S. 392

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 397

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 397, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes.

S. 436

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 436, a bill to amend the Foreign Intelligence Surveillance Act of 1978 to improve the administration and oversight of foreign intelligence surveillance, and for other purposes.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the names of the Senator from Missouri (Mr. TALENT), the Senator from Ohio (Mr. DEWINE) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Con. Res. 7, A concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. RES. 40

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 40, A resolution reaffirming congressional commitment to title IX of the Education Amendments of 1972 and its critical role in guaranteeing equal educational opportunities for women and girls, particularly with respect to school athletics.

S. RES. 48

At the request of Mr. AKAKA, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 48, A resolution designating April 2003 as ''Financial Literacy for Youth Month''.

S. RES. 52

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 52, A resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. KENNEDY, and Mr. DAYTON):

S. 448. A bill to leave no child behind, to the Committee on Finance.

Mr. DODD. Mr. President, I rise today with colleagues Senator KENNEDY and Senator DAYTON to introduce the Leave No Child Behind Act of 2003, legislation that provides a comprehensive blueprint for addressing the needs of our Nation's children.

When Representative GEORGE MILLER and I introduced the Act to Leave No Child Behind in the last Congress, in May of 2001, this Nation was looking at an unprecedented Federal budget surplus of some $5.6 trillion that Federal budget experts forecasted for the years 2002–2011.

But, just 2 years later, that projected surplus is gone. Instead, Federal budget experts now predict a deficit of more than $2 trillion for those years, the worst fiscal reversal in our history.

Where did the money go?

Obviously, the current economic slowdown has had an impact insofar as it has caused a drop in Federal receipts. However, much of the surplus was lost to an enormous tax bill that contained mostly tax breaks for the largest companies and most affluent individuals, which was enacted during the spring of 2001.

And now, to make matters worse, the President is calling for more tax breaks, again, mostly to be enjoyed by the wealthy, which Federal budget experts estimate will cost $1.5 trillion over the next decade.

At the same time, the President has proposed to severely weaken our Nation's efforts on behalf of families and children, particularly poor families with children.

I listened to the President call for a more compassionate America in his State of the Union Address. Little did I expect that he was calling for others to be compassionate so that he would not have to be.

The budget that we received from the President earlier this month is the worst I have seen for families with children in decades.

Despite the fact that millions of parents struggle with the cost of child care, that the majority of States have long waiting lists, and that we vastly need to improve the quality of care, the President proposes to freeze child care assistance in each of the next five years.

At the same time, the President proposes to increase the number of hours that parents on welfare are required to work and increase the overall number of parents on welfare who are required to work. All of this is without a dime more for child care.

Who is going to watch these children? It is an undeniable fact that additional work requirements will cause an increase in the amount of child care parents need. And, additional hours of child care cost money.

The risk is that States will rob Peter to pay Paul. They will shift child care assistance from the working poor, many of whom might be former welfare recipients, to help those on welfare meet their child care costs. This makes no sense.

For Head Start, the President proposes a modest increase, barely enough to cover inflation despite the fact that Head Start reaches only 60 percent of eligible 3- and 4-year-old children and only 3 percent of eligible infants and toddlers.

In lieu of a real expansion in the program, the President proposes giving current Head Start funds used by community programs to States. This would mean that after 38 years of success, Head Start would no longer be a national program, with national performance standards, offering comprehensive services to our Nation's poorest children—those most likely to be struggling once in school.

Head Start works. Study after study shows the gains Head Start children make. Since Head Start graduates make up only 8 percent of incoming kindergarten students, it makes no sense to raid the Head Start money to reach the other 92 percent of children who are not in Head Start. And yet, that could very well be the result of the President's proposal.

What we know in our country is that many of our young people need a safe place to go after school, particularly at-risk youth who would otherwise be likely to go home alone, where in the absence of adult supervision, they are more likely to smoke, drink, have sex, or engage in crime. And yet, the President proposes to cut the 21st Century after-school program by $400 million. That cut would cause some 570,000 children to be discharged next year from after-school programs across America.

The President proposes deep cuts in Federal housing assistance, allowing States to receive foster care as a block grant instead of individual payments based on children actually in foster care, and potentially eliminating health insurance for millions of children through a block grant of Medicaid and the State Children's Health Insurance Program.

At the same time, according to the National Governor's Association, State economies are on the whole in the worst shape since World War II. States are operating with billions of dollars in the red with State constitutional requirements to balance their budgets.

It is clear what is going on here.

Instead of providing more resources to help States during these tough times, the President is raiding poverty programs for children and using that money to help pay for tax benefits for those who are at the very top of the income scale. This reckless policy only worsens the budget shortfalls facing so many States.

Children are one-quarter of our population. But, they are 100 percent of our future. It makes no sense to shortchange our investment in children.

America's children today are living under some staggering challenges. Nearly 12 million children live in poverty; over 9 million children have no health coverage; about 7 million children go home alone each week after school; and, nearly 1 million children are abused and neglected.

We can do better for our children. We should do better for children. We don't need another tax break for America's wealthiest citizens. What we need is a sound investment in our Nation's children.

The legislation we are introducing today is called, ''An Act to Leave No Child Behind.'' We are committed to this one principle beyond all others. Not just a slogan, but as a means to define an urgent national priority.

We need to make sure that we not only talk about leaving no child behind, but that we actually take steps to do so. Introducing this bill is the first such step.

Every word on every page is focused on the same purpose—lifting our children up, giving each child an opportunity, helping each child to have a safe and rewarding life.

Under the Act to Leave No Child Behind, every child in America would have health coverage. No child in America would go to bed at night aching from hunger. We would use our tax code to lift millions of children out of poverty—not provide more hand-outs for the most wealthy in this country.

It's time to ensure that every American child has an opportunity to attend Head Start, Pre-K, or quality child care to begin a lifetime of learning. It's time to ensure that every American child can read by 4th grade, and read at grade level. And, it's time to take dramatic new steps to address the needs of children who are abused and neglected every year.

Budget experts predict that the President's tax plan will give millionaires an average tax break of $88,800 each. For that same amount of money, we could fully fund Head Start and provide health insurance to every one of the 9 million uninsured children.

We have the resources. If we can afford to give $88,800 on average to every millionaire, then the question is really about priorities and political will—not resources.

If we join together, we can transform this Nation and give each and every child his God-given right to grow and flourish to all he can be, to his or her fullest potential so that all children can realize their dreams.

I ask unanimous consent to have a summary of the bill printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE ACT TO LEAVE NO CHILD BEHIND

The Act to Leave No Child Behind is a comprehensive bill that will benefit every child in America. The measure represents a vision of what we can do for children if we really want to move beyond talking about leaving no child behind to taking steps to actually leave no child behind. Each of the bill's twelve titles seeks to improve the lives of children so that they can reach their fullest potential.

TITLE I: EVERY CHILD NEEDS A HEALTHY START

Over 9 million children throughout America have no health insurance today. Under the Act to Leave No Child Behind, all uninsured children would receive health care coverage.

TITLE II: PARENTING—SUPPORTING CHILDREN'S HEALTHY DEVELOPMENT

Too many parents throughout America struggle to balance work, family, and the needs of their children. Under the Act to Leave No Child Behind, the Family and Medical Leave Act would be expanded to cover more employees, create pilot demonstrations to offer paid leave, and allocate grants to states to provide parenting support and education.

TITLE III: CHILD CARE, HEAD START, & EDUCATION

Research on brain development during the first three years of life makes clear the need for quality early childhood development. Yet, only one out of every seven eligible children receives child care assistance and the quality of child care that children receive needs to be vastly improved. Head Start reaches only 60 percent of eligible 3 and 4 year olds and only 3 percent of infants and toddlers. Full funding for child care and 3 & 4 year-olds in Head Start would ensure that all children eligible for assistance can receive it.

Title IV: Tax Relief for Low-Wage Working Families; Title V: Moving Out of Poverty

Tax relief under current law is limited for low income families. The Act to Leave No Child Behind will increase the child tax credit, expand the Earned Income Tax Credit and the Dependent Tax Credit, and reduce the marriage penalty for low income families. Nearly 12 million children live in poverty in America today; about 78 percent of them live in working families. The Act to Leave No Child Behind includes supports for hard working parents to remain employed and to help lift themselves and their children out of poverty.

TITLE VI: GETTING ENOUGH TO EAT; TITLE VII: AFFORDING A PLACE TO LIVE

The Department of Agriculture estimates that nearly 13 million children live in families not getting enough to eat, including nearly 3 million children who regularly go hungry. The Act to Leave No Child Behind will expand food assistance to low income families with children. The fastest growing group among those with ''worst case housing needs'' includes families with children. The Act to Leave No Child Behind will increase the means for states to ensure that families with children have a decent, affordable place to live.

TITLE VIII: EVERY CHILD NEEDS A SAFE START

Every day, nearly 8,000 children are reported to public child protection agencies as suspected victims of child abuse. In too many states, the child protection system is stretched to its breaking point. The Act to Leave No Child Behind will help to ensure that more children are in safe, nurturing, and permanent families.

TITLE IX: SUCCESSFUL TRANSITIONS TO ADULTHOOD—YOUTH DEVELOPMENT; TITLE X: JUVENILE JUSTICE

Nearly 7 million children go home alone unsupervised each week after school. The Act to Leave No Child Behind will provide increased funding for after-school and youth development programs. While juvenile crime rates have been declining since 1994, still too many children come into contact with the law. The Act to Leave No Child Behind will provide funding for delinquency prevention programs and will enable more at-risk youth to become productive, law-abiding adults.

TITLE XI: GUN SAFETY

The most recent annual data shows that over 3,300 children and teens in America were killed by gunfire, including about one-third who committed suicide. The Act to Leave No Child Behind will close existing loopholes in our nation's gun law and promote child safety.

TITLE XII: EVERY CHILD NEEDS THE SUPPORT OF THE ENTIRE COMMUNITY

The Act to Leave No Child Behind will establish a blue-ribbon commission to identify family-friendly practices that the private sector can replicate and promote.

By Mrs. HUTCHISON:

S. 449. A bill to authorize the President to agree to certain amendments to the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank; to the Committee on Foreign Relations.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION TO CERTAIN AMENDMENTS REGARDING NORTH AMERICAN DEVELOPMENT BANK.

(a) IN GENERAL.—Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290m et seq.) is amended by inserting after section 543 the following new section:

''SEC. 543A. AUTHORIZATION TO AMEND COOPERATION AGREEMENT.

''The President is authorized to instruct the United States representative to the Bank to vote for or otherwise agree to amendments to the Cooperation Agreement that would—

''(1) authorize the Bank, with the approval of its Board of Directors, to make grants and non-market rate loans out of its paid-in capital, if the grants are structured only as cofinancing to pay a portion of the recipient's debt service on debt financing for the project for which the grant is made; and

''(2) amend the definition of 'border region' to include the area in the United States that is within 100 kilometers of the international boundary between the United States and Mexico, and the area in Mexico that is within 300 kilometers of the international boundary between the United States and Mexico.''.

(b) CONFORMING AMENDMENT.—The table of contents for the North American Free Trade Agreement Implementation Act is amended by inserting after the item relating to section 543, the following new item:

''Sec. 543A. Authorization to amend Cooperation Agreement.''.

By Mr. DURBIN (for himself, Mr. FITZGERALD, and Mrs. CLINTON):

S. 450. A bill to amend the Public Health Service Act to provide for research on, and services for individuals

with, postpartum depression and psychosis; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Melanie Stokes Postpartum Depression Research and Care Act along with Senator FITZGERALD and Senator CLINTON.

My legislation is named after a Chicago native who struggled unsuccessfully against postpartum psychosis following the birth of her daughter. While fighting this debilitating mental condition Ms. Stokes has been in and out of hospitals several times, stopped eating and drinking, and wouldn't swallow pills. Despite medical assistance and the support of her family and friends, Mrs. Stokes was ultimately unable to overcome her condition, and jumped to her death from a 12-story window ledge.

Studies indicate that 50 to 75 percent of all new mothers experience the ''baby blues,'' a feeling of moderate emotional distress following childbirth. Serious postpartum depression on the other hand, affects between 10 and 20 percent of women. In Illinois alone there are at least 180,000 births a year. Even using the conservative estimate that 10 percent of mothers will suffer from postpartum depression, this suggests that over 18,000 women, in the State of Illinois alone will experience the devastating symptoms of this disorder each year. Women suffering from serious postpartum depression may worry excessively or find themselves exhausted. They may experience sadness, feelings of guilt, apathy, phobias, or sleep problems sometimes for as long as 3 to 14 months. Understanding this disorder more fully and developing new treatments should be a top priority.

The most severe form of mental illness that can affect women following childbirth is postpartum psychosis. Although this condition is more difficult to recognize since it occurs less frequently than postpartum depression, the consequences of allowing postpartum psychosis to go untreated are serious. Postpartum psychosis is characterized by hallucinations, hearing voices, paranoia, severe insomnia, extreme anxiety and depression and women suffering from the disorder are at increased risk for suicide or harming others.

Even though many new mothers will experience some form of postpartum depression or the ''baby blues,'' few research studies are carefully examining the causes of this mental condition at present. In addition, there is currently no standard treatment for women suffering from postpartum depression. The Melanie Stokes Postpartum Depression Research and Care Act would develop a coordinated approach for understanding and treating this devastating illness.

Specifically, my legislation authorizes the Secretary of Health and Human Services to organize a series of national meetings that focus on developing a consensus research and treatment plan for postpartum depression and psychosis. The Melanie Stokes Postpartum Depression Research and Care Act also encourages the Secretary to implement the consensus research and treatment plan generated via the national meting series in a timely fashion. Finally, the bill makes grant funding available through the Substance Abuse and Mental Health Services Administration to aid in the delivery of treatment services for postpartum depression to women and their families.

I am pleased that Senator FITZGERALD and Senator CLINTON have joined me in introducing this important legislation. Congressman RUSH has taken the lead in the House of Representatives. I am anxious to work in a bipartisan, bicameral fashion to coordinate our approach toward understanding postpartum depression by passing this legislation in remembrance of Melanie Stokes and all the women who have suffered from postpartum depression and psychosis.

By Ms. SNOWE:

S. 451. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that will correct an injustice being visited upon the survivors of our servicemembers killed in action and military retirees under the current military Survivor's Benefit Plan, or SBP.

As the program currently operates, the widows or widowers of those who have ''borne the battle'' receive an annuity equal to 55 percent of the servicemember's retirement pay. That is, until they turn 62. At that time, under current law, a surviving spouse's SBP benefits must be reduced either by a Social Security offset, or a reduction in payments to 35 percent of retired pay—a drop of almost 40 percent—simply because they have reached the age of 62.

For example, let's take the widow of a Navy chief petty officer or E–7 who had served 20 years before retiring. Before she reaches 62, this widow will receive $771 per month, but on her 62nd birthday, that benefit drops to only $491 per month—a loss of $3,360 per year.

For a retired O–5, say a Marine Corps lieutenant colonel, the widow's benefit would drop by $6,960 a year as soon as she turns 62. Some birthday gift.

But the inequities don't stop there. For example, the military Survivor Benefit Plan does not measure up to the Federal Survivor Benefit Plan in terms of benefits paid to survivors. Survivors of Federal civilian retirees under the original Civil Service Retirement System receive 55 percent of their spouse's retired pay for life—with no drop in benefits at age 62. Under the newer Federal Employee Retirement System, survivors still receive 50 percent of retired pay for life, again with no drop at age 62.

Yet another reason that we should adopt this legislation is that members of the military pay more than their share of Survivor Benefit Plan program costs, as compared to their Federal civilian counterparts.

Originally, the Congress intended the government to subsidize 40 percent of the cost of military Survivor Benefit Plan premiums—similar to the government's contribution to the Federal civilian plan. Over the last several decades, however, there has been a significant decline in the government's cost share, and Department of Defense actuaries advise that the government subsidy is now down to less than 17 percent. This means that military retirees are now paying more than 83 percent of program costs from their retired pay versus the intended 60 percent.

Contrast this to the Federal civilian SBP, which has a 52 percent cost share for those under the Civil Service Retirement System and a 67 percent cost share for those employees, including many of our own staff, under the Federal Employees Retirement System. While it is true that there are differences between the civilian and military premium costs, with Federal civilians paying more, it is also true that military retirees generally retire earlier than their Federal civilian counterparts, and as a result, pay premiums for many more years.

This legislation is intended to raise, over a five year period, the percentage of the retirement annuity received by the survivor from 35 percent to 55 percent after age 62. The first year, 2004, will be an open season to allow new enrollees to sign up for the program in order to reduce retired pay outlays by increasing deductions of SBP premiums from retired pay, thus offsetting part of the cost of the survivor benefit increase.

Beginning on Oct. 1, 2004, the second year, the age-62 SBP annuity would increase to 40 percent of retired pay, followed by an additional increase to 45 percent in 2005, 50 percent in 2006 and 55 percent in 2007 after which all survivors would receive the 55 percent of the annuity.

Once again, I ask my colleagues to support our Nation's military widows and widowers. In the National Defense Authorization Act of 2001, we included a Sense of the Congress on increasing the military SBP annuity. This year, we have a chance to carry out this intent by enacting this important measure, and I ask my colleagues to join with me in support of this legislation.

By Mr. REID (for himself and Mr. ENSIGN):

S. 452. A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War,

and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, the Cold War was the longest war in United States history. Lasting 50 years, the Cold War cost thousands of lives, trillions of dollars, changed the course of history, and left America the only superpower in the world. Because of the nuclear capabilities of our enemy it was the most dangerous conflict our country ever faced. The threat of mass destruction left a permanent mark on American life and politics. Those that won this war did so in obscurity. Those that gave their lives in the Cold War have never been properly honored.

Today I introduce with Senator ENSIGN a bill that requires the Department of the Interior to conduct a study to identify sites and resources to commemorate heroes of the Cold War and to interpret the Cold War for future generations.

Our legislation directs the Secretary of the Interior to establish a ''Cold War Advisory Committee'' to oversee the inventory of Cold War sites and resources for potential inclusion in the National Park System, as national historic landmarks, or other appropriate designations.

The Advisory Committee will work closely with State and local governments and local historical organizations. The committee's starting point will be a Cold War study completed by the Secretary of Defense under the 1991 Defense Appropriations Act Obvious Cold War sites of significance include: Intercontinental Ballistic Missiles, flight training centers, communications and command centers, such as Cheyenne Mountain, Colorado, nuclear weapons test sites, such as the Nevada test site, and strategic and tactical resources.

Perhaps no other state in the Union has played a more significant role than Nevada in winning the Cold War. The Nevada Test Site is a high-technology engineering marvel where the United States developed, tested, and perfected a nuclear deterrent which is the cornerstone of America's security and leadership among nations. The Naval Air Station at Fallon is the Navy's premiere tactical air warfare training facility. The Air Warfare Center at Nellis Air Force Base has the largest training range in the United States to ensure that America's pilots will prevail in any armed conflict.

The Advisory Committee established under this legislation will develop an interpretive handbook on the Cold War to tell the story of the Cold War and its heroes.

I would like to take a moment to relate a story of one group of Cold War heroes. On a snowy evening in November 17, 1955, a United States Air Force C–54 crashed near the summit of Mount Charleston in central Nevada. The doomed flight was carrying 15 scientific and technical personnel to secret Area 51 where the U–2 reconnaissance plane, of Francis Powers fame, was being developed under tight security. The men aboard the ill-fated C–54 helped build the plane which critics said could never be built. The critics were wrong—the U–2 is a vital part of our reconnaissance force to this day.

The secrecy of the mission was so great that the families of the men who perished on Mount Charleston only recently learned about the true circumstances of the crash that took the lives of their loved ones. My legislation will provide $300,000 to identify historic landmarks like the crash at Mount Charleston.

I'd like to thank Mr. Steve Ririe of Las Vegas who brought to light the events surrounding the death of the fourteen men who perished on Mount Charleston nearly a half century ago, and for the efforts of State Senator Rawson who shepherded a resolution through the Nevada legislature to commemorate these heroes.

A grateful Nation owes its gratitude to the ''Silent Heroes of the Cold War.'' We urge our colleagues to support this long overdue tribute to the contribution and sacrifice of those Cold War heroes for the cause of freedom.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. COCHRAN, and Mrs. FEINSTEIN):

S. 453. A bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce legislation today that will reduce barriers to health care for millions of patients across the country, particularly those from medically underserved and minority communities. The Patient Navigator, Outreach, and Chronic Disease Prevention Act will create programs which direct individuals to affordable and accessible prevention, detection and treatment services for cancer and other chronic diseases. The bill will also establish patient navigator programs to assist patients make their way through the often complex health care system.

This year alone, more than 80,000 Texans will be diagnosed with cancer and nearly 35,000 Texans will die of the disease. Cancer is the most expensive illness in the United States. It cost Texas $13.9 billion in one year due to medical costs and loss of productivity in 1998.

Despite the tremendous progress that has been made in cancer and chronic disease prevention, detection, and treatment, not all Americans are benefitting. Cancer survival rates of those living in poverty are ten to fifteen percent lower than other Americans, and African American men have the lowest rate of cancer survival. Cancer and chronic disease continue to disproportionately impact minorities and medically underserved communities. The consequences of inadequate access to these services mean that diseases like cancer are often diagnosed at later stages when the illness is more advanced and options for treatment are decreased.

In my home State of Texas, ensuring access to health care is a profound challenge, particularly along the Texas-Mexico border. The problem is in part due to lack of insurance coverage, as forty-nine percent of the Texas Hispanic population does not have health insurance, but it is also attributable to an uneven distribution of health professionals and hospitals, inadequate transportation, and a shortage of bilingual health information and providers.

The legislation I am introducing today will eliminate barriers by cutting through red tape and increasing access to affordable prevention and care for people from all walks of life.

The bill accomplishes its goals by reaching patients in the communities in which they live—through community health centers, rural health clinics, community hospitals, cancer centers, tribal and urban Indian organizations, among others, and by ensuring that there is a doctor or nurse, who, while speaking in a language people can understand, will provide patients with prevention screenings and follow-up treatment.

Patients will be provided with a trained patient navigator from their own community, who can help with scheduling and keeping appointments and referrals for prevention and treatment. They can also ensure doctor's instructions are followed and funds to pay for treatment or arranging transportation to a specialist are obtained. They may also provide a service as simple as helping out with the paperwork.

This legislation is modeled after successful programs such as the Harlem Navigator Program at Harlem Hospital in New York City operated by Dr. Harold Freeman, and the local Washington, D.C. Hospital Cancer Preventorium directed by Dr. Elmer Huerta. Through implementation of the Harlem patient navigator program, diagnosis of breast cancer at an early stage has improved. In 1989, only 1 out of 20 breast cancer diagnoses were made at an early stage. Now, through the navigator program, 4 out of every 10 diagnoses are identified early. Furthermore, the program has reduced the time between diagnosis and treatment to ten days.

I look forward to working with my colleagues to pass the critically important Patient Navigator, Outreach and Chronic Disease Prevention Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Navigator, Outreach, and Chronic Disease Prevention Act of 2003''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Despite notable progress in the overall health of the Nation, there are continuing disparities in the burden of illness and death experienced by African Americans, Latinos and Hispanics, Native Americans, Alaska Natives, Asian and Pacific Islanders and the poor, compared to the United States population as a whole.

(2) Many racial and ethnic minority groups suffer disproportionately from cancer. Mortality and morbidity rates remain the most important measures of the overall progress against cancer. Decreasing rates of death from cancer reflect improvements in both prevention and treatment. Among all ethnic groups in the United States, African American males have the highest overall rate of mortality from cancer. Some specific forms of cancer affect other ethnic minority communities at rates up to several times higher than the national averages (such as stomach and liver cancers among Asian American populations, colon and rectal cancer among Alaska natives, and cervical cancer among Hispanic and Vietnamese-American women).

(3) Regions characterized by high rates of poverty also have high mortality for some forms of cancer. For example, in Appalachian Kentucky the incidence of lung cancer among white males was 127 per 100,000 in 1992, a rate higher than that for any ethnic minority group in the United States during the same period.

(4) Major disparities for other chronic diseases exist among population groups, with a disproportionate burden of death and disability from cardiovascular disease in racial and ethnic minority and low-income populations. Compared with rates for the general population, coronary heart disease mortality was 40 percent lower for Asian Americans but 40 percent higher for African-Americans.

(5) Minority populations are disproportionately impacted by diabetes and other chronic diseases. Hispanics are twice as likely to have diabetes as non-Hispanic whites; diabetes is the fourth leading cause of death among Hispanic women and elderly. African Americans are 1.7 times as likely to have diabetes as the general population. More than 15% of the combined populations of Native Americans and Alaska Natives have diabetes.

(6) Culturally competent approaches to chronic disease care are needed to encourage increased participation of racial and ethnic minorities and the medically underserved in chronic disease prevention, early detection and treatment programs.

SEC. 3. HRSA GRANTS FOR MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; HRSA GRANTS FOR PATIENT NAVIGATORS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

''SEC. 330L. MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; PATIENT NAVIGATORS.

''(a) MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to public and nonprofit private health centers (including health centers under section 330, Indian Health Service Centers, tribal governments, urban Indian organizations, clinics serving Asian Americans and Pacific Islanders and Alaskan Natives, rural health clinics, and qualified nonprofit entities that enter into partnerships with public and nonprofit private health centers to provide navigation services, which demonstrate the ability to perform all the functions described in this subsection and subsections (b), and (c)) for the development and operation of model programs that—

''(A) provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases;

''(B) ensure that the health services are provided to such individuals in a culturally competent manner;

''(C) assign patient navigators, in accordance with applicable criteria of the Secretary, for managing the care of individuals of health disparity populations to—

''(i) accomplish, to the extent possible, the follow-up and diagnosis of an abnormal finding and the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) facilitate access to appropriate health care services within the health care system to ensure optimal patient utilization of such services, including aid in coordinating and scheduling appointments and referrals, community outreach, assistance with transportation arrangements, and assistance with insurance issuers and other barriers to care;

''(D) require training for patient navigators employed through model programs under this paragraph to ensure the ability of such navigators to perform all of the duties required under this subsection and in subsection (b), including training to ensure that such navigators are informed about health insurance systems and are able to aid patients in resolving access issues; and

''(E) ensure that consumers have direct access to patient navigators during regularly scheduled hours of business operation.

''(2) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public, and the specific community that the program is serving, of the services of the model program under the grant. Such activities shall include facilitating access to appropriate health care services and patient navigators within the health care system to ensure optimal patient utilization of these services.

''(3) DATA COLLECTION AND REPORT.—

''(A) IN GENERAL.—To provide for effective program evaluation, a grant recipient under this subsection shall collect specific patient data with respect to services provided to each patient served through the program and shall establish and implement procedures and protocols, consistent with applicable Federal and State laws (including sections 160 and 164 of title 45, Code of Federal Regulations) to ensure the confidentiality of all information shared by a patient in the program (or their personal representative) and their health care providers, group health plans, or health insurance insurers.

''(B) USE OF DATA.—A grant recipient under this subsection may, consistent with applicable Federal and State confidentiality laws, collect, use, or disclose aggregate information that is not individually identifiable (as such term is defined for purposes of sections 160 and 164 of title 45 Code of Federal Regulations).

''(C) REPORT.—Using date collected under this paragraph, a grantee shall prepare and submit to the Secretary an annual report that summarizes and analyzes such data and provides information on the need for navigation services, the types of access difficulties resolved, the sources of repeated resolutions, and the flaws in the system of access, including insurance barriers.

''(4) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(5) EVALUATIONS.—

''(A) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, directly or through grants or contracts, provide for evaluations to determine which outreach activities under paragraph (2) were most effective in informing the public, and the specific community that the program is serving, of the model program services and to determine the extent to which such programs were effective in providing culturally competent services to the health disparity population served by the programs.

''(B) DISSEMINATION OF FINDINGS.—The Secretary shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(6) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (b), with the program under section 417D, and to the extent practicable, with programs for prevention centers that are carried out by the Director of the Centers for Disease Control and Prevention.

''(b) PROGRAM FOR PATIENT NAVIGATORS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to public and nonprofit private health centers (including health centers under section 330, Indian Health Service Centers, tribal governments, urban Indian organizations, clinics serving Asian Americans and Pacific Islanders and Alaskan Natives, rural health clinics, and qualified nonprofit entities that enter into partnerships with public and nonprofit private health centers to provide navigation services, which demonstrate the ability to perform all the functions described in subsections (a), (b), and (c)) for the development and operation of programs to pay the costs of such health centers in—

''(A) assigning patient navigators, in accordance with applicable criteria of the Secretary, for managing the care of individuals of health disparity populations for the duration of receiving health services from the health centers, including aid in coordinating and scheduling appointments and referrals, community outreach, assistance with transportation arrangements, and assistance with insurance issuers and other barriers to care;

''(B) ensuring that the services provided by the patient navigators to such individuals include case management and psychosocial assessment and care or information and referral to such services;

''(C) ensuring that the patient navigators with direct knowledge of the communities they serve provide services to such individuals in a culturally competent manner;

''(D) developing model practices for patient navigators, including with respect to—

''(i) coordination of health services, including psychosocial assessment and care;

''(ii) appropriate follow-up care, including psychosocial assessment and care;

''(iii) determining coverage under health insurance and health plans for all services;

''(iv) ensuring the initiation, continuation, or sustained access to care prescribed by the patients' health care providers; and

''(v) aiding patients with health insurance coverage issues;

''(E) requiring training for patient navigators to ensure the ability of such navigators to perform all of the duties required under this subsection and in subsection (a), including training to ensure that such navigators are informed about health insurance systems and are able to aid patients in resolving access issues; and

''(F) ensuring that consumers have direct access to patient navigators during regularly scheduled hours of business operation.

''(2) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public, and the specific community that the patient navigator is serving, of the services of the model program under the grant.

''(3) DATA COLLECTION AND REPORT.—

''(A) IN GENERAL.—To provide for effective patient navigator program evaluation, a grant recipient under this subsection shall collect specific patient data with respect to navigation services provided to each patient served through the program and shall establish and implement procedures and protocols, consistent with applicable Federal and State laws (including sections 160 and 164 of title 45, Code of Federal Regulations) to ensure the confidentiality of all information shared by a patient in the program (or their personal representative) and their health care providers, group health plans, or health insurance insurers.

''(B) USE OF DATA.—A grant recipient under this subsection may, consistent with applicable Federal and State confidentiality laws, collect, use, or disclose aggregate information that is not individually identifiable (as such term is defined for purposes of sections 160 and 164 of title 45 Code of Federal Regulations).

''(C) REPORT.—Using date collected under this paragraph, a grantee shall prepare and submit to the Secretary an annual report that summarizes and analyzes such data and provides information on the need for navigation services, the types of access difficulties resolved, the sources of repeated resolutions, and the flaws in the system of access, including insurance barriers.

''(4) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(5) EVALUATIONS.—

''(A) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, directly or through grants or contracts, provide for evaluations to determine the effects of the services of patient navigators on the individuals of health disparity populations for whom the services were provided, taking into account the matters referred to in paragraph (1)(C).

''(B) DISSEMINATION OF FINDINGS.—The Secretary shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(6) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (a) and with the program under section 417D.

''(c) REQUIREMENTS REGARDING FEES.—

''(1) IN GENERAL.—A condition for the receipt of a grant under subsection (a)(1) or (b)(1) is that the program for which the grant is made have in effect—

''(A) a schedule of fees or payments for the provision of its health care services related to the prevention and treatment of disease that is consistent with locally prevailing rates or charges and is designed to cover its reasonable costs of operation; and

''(B) a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the ability of the patient to pay.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require payment for navigation services or to require payment for health care services in cases where the care is provided free of charge, including the case of services provided through programs of the Indian Health Service.

''(d) MODEL.—Not later than three years after the date of the enactment of this section, the Secretary shall develop a peer-reviewed model of systems for the services provided by this section. The Secretary shall update such model as may be necessary to ensure that the best practices are being utilized.

''(e) DURATION OF GRANT.—The period during which payments are made to an entity from a grant under subsection (a)(1) or (b)(1) may not exceed five years. The provision of such payments are subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed as establishing a limitation on the number of grants under such subsection that may be made to an entity.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'culturally competent', with respect to providing health-related services, means services that, in accordance with standards and measures of the Secretary, are designed to effectively and efficiently respond to the cultural and linguistic needs of patients.

''(2) The term 'appropriate follow-up care' includes palliative and end-of-life care.

''(3) The term 'health disparity population' means a population where there exists a significant disparity in the overall rate of disease incidence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population. Such term includes—

''(A) racial and ethnic minority groups as defined in section 1707; and

''(B) medically underserved groups, such as rural and low-income individuals and individuals with low levels of literacy.

''(4)(A) The term 'patient navigator' means an individual whose functions include—

''(i) assisting and guiding patients with a symptom or an abnormal finding or diagnosis of cancer or other chronic disease within the health care system to accomplish the follow-up and diagnosis of an abnormal finding as well as the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) identifying, anticipating, and helping patients overcome barriers within the health care system to ensure prompt diagnostic and treatment resolution of an abnormal finding of cancer or other chronic disease.

''(B) Such term includes representatives of the target health disparity population, such as nurses, social workers, cancer survivors, and patient advocates.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—

''(A) MODEL PROGRAMS.—For the purpose of carrying out subsection (a) (other than the purpose described in paragraph (2)(A)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

''(B) PATIENT NAVIGATORS.—For the purpose of carrying out subsection (b) (other than the purpose described in paragraph (2)(B)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

''(C) BUREAU OF PRIMARY HEALTH CARE.—Amounts appropriated under subparagraph (A) or (B) shall be administered through the Bureau of Primary Health Care.

''(2) PROGRAMS IN RURAL AREAS.—

''(A) MODEL PROGRAMS.—For the purpose of carrying out subsection (a) by making grants under such subsection for model programs in rural areas, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

''(B) PATIENT NAVIGATORS.—For the purpose of carrying out subsection (b) by making grants under such subsection for programs in rural areas, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

''(C) OFFICE OF RURAL HEALTH POLICY.—Amounts appropriated under subparagraph (A) or (B) shall be administered through the Office of Rural Health Policy.

''(3) RELATION TO OTHER AUTHORIZATIONS.—Authorizations of appropriations under paragraphs (1) and (2) are in addition to other authorizations of appropriations that are available for the purposes described in such paragraphs.''.

SEC. 4. NCI GRANTS FOR MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; NCI GRANTS FOR PATIENT NAVIGATORS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end following:

''SEC. 417E. MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; PATIENT NAVIGATORS.

''(a) MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION.—

''(1) IN GENERAL.—The Director of the Institute may make grants to eligible entities for the development and operation of model programs that—

''(A) provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases;

''(B) ensure that the health services are provided to such individuals in a culturally competent manner;

''(C) assign patient navigators, in accordance with applicable criteria of the Secretary, for managing the care of individuals of health disparity populations to—

''(i) accomplish, to the extent possible, the follow-up and diagnosis of an abnormal finding and the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) facilitate access to appropriate health care services within the health care system to ensure optimal patient utilization of such services, including aid in coordinating and scheduling appointments and referrals, community outreach, assistance with transportation arrangements, and assistance with insurance issuers and other barriers to care;

''(D) require training for patient navigators employed through model programs under this paragraph to ensure the ability of such navigators to perform all of the duties required under this subsection and in subsection (b), including training to ensure that

such navigators are informed about health insurance systems and are able to aid patients in resolving access issues; and

''(E) ensure that consumers have direct access to patient navigators during regularly scheduled hours of business operation.

''(2) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is a designated cancer center of the Institute, an academic institution, an Indian Health Services Clinic, a tribal government, an urban Indian organization, a hospital, a qualified nonprofit entity that enters into a partnership with public and nonprofit private health centers to provide navigation services and which demonstrates the ability to perform all the functions described in subsections (a), (b), and (c), or any other public or private entity determined to be appropriate by the Director of the Institute that provides services described in paragraph (1)(A) for cancer and chronic diseases, a nonprofit organization, or any other public or private entity determined to be appropriate by the Director of the Institute, that provides services described in paragraph (1)(A) for cancer or chronic diseases.

''(3) DATA COLLECTION AND REPORT.—

''(A) IN GENERAL.—To provide for effective program evaluation, a grant recipient under this subsection shall collect specific patient data with respect to services provided to each patient served through the program and shall establish and implement procedures and protocols, consistent with applicable Federal and State laws (including sections 160 and 164 of title 45, Code of Federal Regulations) to ensure the confidentiality of all information shared by a patient in the program (or their personal representative) and their health care providers, group health plans, or health insurance insurers.

''(B) USE OF DATA.—A grant recipient under this subsection may, consistent with applicable Federal and State confidentiality laws, collect, use, or disclose aggregate information that is not individually identifiable (as such term is defined for purposes of sections 160 and 164 of title 45 Code of Federal Regulations).

''(C) REPORT.—Using date collected under this paragraph, a grantee shall prepare and submit to the Secretary an annual report that summarizes and analyzes such data and provides information on the need for navigation services, the types of access difficulties resolved, the sources of repeated resolutions, and the flaws in the system of access, including insurance barriers.

''(4) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public, and the specific community that the program is serving, of the services of the model program under the grant. Such activities shall include facilitating access to appropriate health care services and patient navigators within the health care system to ensure optimal patient utilization of these services.

''(5) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Director of the Institute and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(6) EVALUATIONS.—

''(A) IN GENERAL.—The Director of the Institute, directly or through grants or contracts, shall provide for evaluations to determine which outreach activities under paragraph (3) were most effective in informing the public, and the specific community that the program is serving, of the model program services and to determine the extent to which such programs were effective in providing culturally competent services to the health disparity population served by the programs.

''(B) DISSEMINATION OF FINDINGS.—The Director of the Institute shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(7) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (b), with the program under section 330I, and to the extent practicable, with programs for prevention centers that are carried out by the Director of the Centers for Disease Control and Prevention.

''(b) PROGRAM FOR PATIENT NAVIGATORS.—

''(1) IN GENERAL.—The Director of the Institute may make grants to eligible entities for the development and operation of programs to pay the costs of such entities in—

''(A) assigning patient navigators, in accordance with applicable criteria of the Secretary, for managing the care of individuals of health disparity populations for the duration of receiving health services from the health centers, including aid in coordinating and scheduling appointments and referrals, community outreach, assistance with transportation arrangements, and assistance with insurance issuers and other barriers to care;

''(B) ensuring that the services provided by the patient navigators to such individuals include case management and psychosocial assessment and care or information and referral to such services;

''(C) ensuring that patient navigators with direct knowledge of the communities they serve provide services to such individuals in a culturally competent manner;

''(D) developing model practices for patient navigators, including with respect to—

''(i) coordination of health services, including psychosocial assessment and care;

''(ii) follow-up services, including psychosocial assessment and care; and

''(iii) determining coverage under health insurance and health plans for all services;

''(iv) ensuring the initiation, continuation, or sustained access to care prescribed by the patients' health care providers; and

''(v) aiding patients with health insurance coverage issues;

''(E) requiring training for patient navigators to ensure the ability of such navigators to perform all of the duties required under this subsection and in subsection (a), including training to ensure that such navigators are informed about health insurance systems and are able to aid patients in resolving access issues; and

''(F) ensuring that consumers have direct access to patient navigators during regularly scheduled hours of business operation.

''(2) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public, and the specific community that the patient navigator is serving, of the services of the model program under the grant.

''(3) DATA COLLECTION AND REPORT.—

''(A) IN GENERAL.—To provide for effective patient navigator program evaluation, a grant recipient under this subsection shall collect specific patient data with respect to navigation services provided to each patient served through the program and shall establish and implement procedures and protocols, consistent with applicable Federal and State laws (including sections 160 and 164 of title 45, Code of Federal Regulations) to ensure the confidentiality of all information shared by a patient in the program (or their personal representative) and their health care providers, group health plans, or health insurance insurers.

''(B) USE OF DATA.—A grant recipient under this subsection may, consistent with applicable Federal and State confidentiality laws, collect, use, or disclose aggregate information that is not individually identifiable (as such term is defined for purposes of sections 160 and 164 of title 45 Code of Federal Regulations).

''(C) REPORT.—Using date collected under this paragraph, a grantee shall prepare and submit to the Secretary an annual report that summarizes and analyzes such data and provides information on the need for navigation services, the types of access difficulties resolved, the sources of repeated resolutions, and the flaws in the system of access, including insurance barriers.

''(4) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Director of the Institute and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(5) EVALUATIONS.—

''(A) IN GENERAL.—The Director of the Institute, directly or through grants or contracts, shall provide for evaluations to determine the effects of the services of patient navigators on the health disparity population for whom the services were provided, taking into account the matters referred to in paragraph (1)(C).

''(B) DISSEMINATION OF FINDINGS.—The Director of the Institute shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(6) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate the program under this subsection with the program under subsection (a) and with the program under section 330I.

''(c) REQUIREMENTS REGARDING FEES.—

''(1) IN GENERAL.—A condition for the receipt of a grant under subsection (a)(1) or (b)(1) is that the program for which the grant is made have in effect—

''(A) a schedule of fees or payments for the provision of its health care services related to the prevention and treatment of disease that is consistent with locally prevailing rates or charges and is designed to cover its reasonable costs of operation; and

''(B) a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the ability of the patient to pay.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require payment for navigation services or to require payment for health care services in cases where the care is provided free of charge, including the case of services provided through programs of the Indian Health Service.

''(d) MODEL.—Not later than three years after the date of the enactment of this section, the Director of the Institute shall develop a peer-reviewed model of systems for the services provided by this section. The Director shall update such model as may be necessary to ensure that the best practices are being utilized.

''(e) DURATION OF GRANT.—The period during which payments are made to an entity from a grant under subsection (a)(1) or (b)(1) may not exceed five years. The provision of such payments are subject to annual approval by the Director of the Institute of the payments and subject to the availability of

appropriations for the fiscal year involved to make the payments. This subsection may not be construed as establishing a limitation on the number of grants under such subsection that may be made to an entity.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'culturally competent', with respect to providing health-related services, means services that, in accordance with standards and measures of the Secretary, are designed to effectively and efficiently respond to the cultural and linguistic needs of patients.

''(2) the term 'appropriate follow-up care' includes palliative and end-of-life care.

''(3) the term 'health disparity population' means a population where there exists a significant disparity in the overall rate of disease incidence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population. Such term includes—

''(A) racial and ethnic minority groups as defined in section 1707; and

''(B) medically underserved groups, such as rural and low-income individuals and individuals with low levels of literacy.

''(4)(A) the term 'patient navigator' means an individual whose functions include—

''(i) assisting and guiding patients with a symptom or an abnormal finding or diagnosis of cancer or other chronic disease within the health care system to accomplish the follow-up and diagnosis of an abnormal finding as well as the treatment and appropriate follow-up care of cancer or other chronic disease, including information about clinical trials; and

''(ii) identifying, anticipating, and helping patients overcome barriers within the health care system to ensure prompt diagnostic and treatment resolution of an abnormal finding of cancer or other chronic disease.

''(B) Such term includes representatives of the target health disparity population, such as nurses, social workers, cancer survivors, and patient advocates.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) MODEL PROGRAMS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

''(2) PATIENT NAVIGATORS.—For the purpose of carrying out subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

''(3) RELATION TO OTHER AUTHORIZATIONS.—Authorizations of appropriations under paragraphs (1) and (2) are in addition to other authorizations of appropriations that are available for the purposes described in such paragraphs.''.

SEC. 5. IHS GRANTS FOR MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; IHS GRANTS FOR PATIENT NAVIGATORS.

Title II of the Indian Health Care Improvement Act (25 U.S.C. 162 et seq.) is amended by adding at the end the following:

''SEC. 226. MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION; PATIENT NAVIGATORS.

''(a) MODEL COMMUNITY CANCER AND CHRONIC DISEASE CARE AND PREVENTION.—

''(1) IN GENERAL.—The Director of the Service may make grants to Indian Health Service Centers, tribal governments, urban Indian organizations, tribal organizations, and qualified nonprofit entities that enter into partnerships with public and nonprofit private health centers serving Native American populations to provide navigation services and that demonstrate the ability to perform all the functions described in this subsection and subsections (b) and (c), for the development and operation of model programs that—

''(A) provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases;

''(B) ensure that the health services are provided to such individuals in a culturally competent manner;

''(C) assign patient navigators, in accordance with applicable criteria of the Secretary, for managing the care of individuals of health disparity populations to—

''(i) accomplish, to the extent possible, the follow-up and diagnosis of an abnormal finding and the treatment and appropriate follow-up care of cancer or other chronic disease; and

''(ii) facilitate access to appropriate health care services within the health care system to ensure optimal patient utilization of such services, including aid in coordinating and scheduling appointments and referrals, community outreach, assistance with transportation arrangements, and assistance with insurance issuers and other barriers to care;

''(D) require training for patient navigators employed through model programs under this paragraph to ensure the ability of such navigators to perform all of the duties required under this subsection and in subsection (b), including training to ensure that such navigators are informed about health insurance systems and are able to aid patients in resolving access issues; and

''(E) ensure that consumers have direct access to patient navigators during regularly scheduled hours of business operation.

''(2) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public, and the specific community that the program is serving, of the services of the model program under the grant. Such activities shall include facilitating access to appropriate health care services and patient navigators within the health care system to ensure optimal patient utilization of these services.

''(3) DATA COLLECTION AND REPORT.—

''(A) IN GENERAL.—To provide for effective program evaluation, a grant recipient under this subsection shall collect specific patient data with respect to services provided to each patient served through the program and shall establish and implement procedures and protocols, consistent with applicable Federal and State laws (including sections 160 and 164 of title 45, Code of Federal Regulations) to ensure the confidentiality of all information shared by a patient in the program (or their personal representative) and their health care providers, group health plans, or health insurance insurers.

''(B) USE OF DATA.—A grant recipient under this subsection may, consistent with applicable Federal and State confidentiality laws, collect, use, or disclose aggregate information that is not individually identifiable (as such term is defined for purposes of sections 160 and 164 of title 45 Code of Federal Regulations).

''(C) REPORT.—Using date collected under this paragraph, a grantee shall prepare and submit to the Secretary an annual report that summarizes and analyzes such data and provides information on the need for navigation services, the types of access difficulties resolved, the sources of repeated resolutions, and the flaws in the system of access, including insurance barriers.

''(4) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Director of the Service and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(5) EVALUATIONS.—

''(A) IN GENERAL.—The Director of the Service, directly or through grants or contracts, shall provide for evaluations to determine which outreach activities under paragraph (2) were most effective in informing the public, and the specific community that the program is serving, of the model program services and to determine the extent to which such programs were effective in providing culturally competent services to the health disparity population served by the programs.

''(B) DISSEMINATION OF FINDINGS.—The Director of the Service shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(6) COORDINATION WITH OTHER PROGRAMS.—The Director of the Service shall coordinate the program under this subsection with the program under subsection (b), with the program under section 417D of the Public Health Service Act, and to the extent practicable, with programs for prevention centers that are carried out by the Director of the Centers for Disease Control and Prevention.

''(b) PROGRAM FOR PATIENT NAVIGATORS.—

''(1) IN GENERAL.—The Director of the Service may make grants to Indian Health Service Centers, tribal governments, urban Indian organizations, tribal organizations, and qualified nonprofit entities that enter into partnerships with public and nonprofit private health centers serving Native American populations to provide navigation services, and that demonstrate the ability to perform all the functions described in this subsection and subsections (b) and (c), for the development and operation of model programs to pay the costs of such entities in—

''(A) assigning patient navigators, in accordance with applicable criteria of the Secretary, for managing the care of individuals of health disparity populations for the duration of receiving health services from the health centers, including aid in coordinating and scheduling appointments and referrals, community outreach, assistance with transportation arrangements, and assistance with insurance issuers and other barriers to care;

''(B) ensuring that the services provided by the patient navigators to such individuals include case management and psychosocial assessment and care or information and referral to such services;

''(C) ensuring that patient navigators with direct knowledge of the communities they serve provide services to such individuals in a culturally competent manner;

''(D) developing model practices for patient navigators, including with respect to—

''(i) coordination of health services, including psychosocial assessment and care;

''(ii) follow-up services, including psychosocial assessment and care; and

''(iii) determining coverage under health insurance and health plans for all services;

''(iv) ensuring the initiation, continuation, or sustained access to care prescribed by the patients' health care providers; and

''(v) aiding patients with health insurance coverage issues;

''(E) requiring training for patient navigators to ensure the ability of such navigators to perform all of the duties required under this subsection and in subsection (a), including training to ensure that such navigators are informed about health insurance systems and are able to aid patients in resolving access issues; and

''(F) ensuring that consumers have direct access to patient navigators during regularly scheduled hours of business operation.

''(2) OUTREACH SERVICES.—A condition for the receipt of a grant under paragraph (1) is that the applicant involved agree to provide ongoing outreach activities while receiving the grant, in a manner that is culturally competent for the health disparity population served by the program, to inform the public, and the specific community that the patient navigator is serving, of the services of the model program under the grant.

''(3) DATA COLLECTION AND REPORT.—

''(A) IN GENERAL.—To provide for effective patient navigator program evaluation, a grant recipient under this subsection shall collect specific patient data with respect to navigation services provided to each patient served through the program and shall establish and implement procedures and protocols, consistent with applicable Federal and State laws (including sections 160 and 164 of title 45, Code of Federal Regulations) to ensure the confidentiality of all information shared by a patient in the program (or their personal representative) and their health care providers, group health plans, or health insurance insurers.

''(B) USE OF DATA.—A grant recipient under this subsection may, consistent with applicable Federal and State confidentiality laws, collect, use, or disclose aggregate information that is not individually identifiable (as such term is defined for purposes of sections 160 and 164 of title 45 Code of Federal Regulations).

''(C) REPORT.—Using date collected under this paragraph, a grantee shall prepare and submit to the Director of the Service an annual report that summarizes and analyzes such data and provides information on the need for navigation services, the types of access difficulties resolved, the sources of repeated resolutions, and the flaws in the system of access, including insurance barriers.

''(4) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Director of the Service and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(5) EVALUATIONS.—

''(A) IN GENERAL.—The Director of the Service, directly or through grants or contracts, shall provide for evaluations to determine the effects of the services of patient navigators on the health disparity population for whom the services were provided, taking into account the matters referred to in paragraph (1)(C).

''(B) DISSEMINATION OF FINDINGS.—The Director of the Service shall as appropriate disseminate to public and private entities the findings made in evaluations under subparagraph (A).

''(6) COORDINATION WITH OTHER PROGRAMS.—The Director of the Service shall coordinate the program under this subsection with the program under subsection (a) and with the program under section 417D of the Public Health Service Act.

''(c) REQUIREMENTS REGARDING FEES.—

''(1) IN GENERAL.—A condition for the receipt of a grant under subsection (a)(1) or (b)(1) is that the program for which the grant is made have in effect—

''(A) a schedule of fees or payments for the provision of its health care services related to the prevention and treatment of disease that is consistent with locally prevailing rates or charges and is designed to cover its reasonable costs of operation; and

''(B) a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the ability of the patient to pay.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require payment for navigation services or to require payment for health care services in cases where the care is provided free of charge, including the case of services provided through programs of the Indian Health Service.

''(d) MODEL.—Not later than three years after the date of the enactment of this section, the Director of the Service shall develop a peer-reviewed model of systems for the services provided by this section. The Director shall update such model as may be necessary to ensure that the best practices are being utilized.

''(e) DURATION OF GRANT.—The period during which payments are made to an entity from a grant under subsection (a)(1) or (b)(1) may not exceed five years. The provision of such payments are subject to annual approval by the Director of the Service of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed as establishing a limitation on the number of grants under such subsection that may be made to an entity.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'culturally competent', with respect to providing health-related services, means services that, in accordance with standards and measures of the Secretary, are designed to effectively and efficiently respond to the cultural and linguistic needs of patients.

''(2) the term 'appropriate follow-up care' includes palliative and end-of-life care.

''(3) the term 'health disparity population' means a population where there exists a significant disparity in the overall rate of disease incidence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population. Such term includes—

''(A) racial and ethnic minority groups as defined in section 1707 of the Public Health Service Act; and

''(B) medically underserved groups, such as rural and low-income individuals and individuals with low levels of literacy.

''(4)(A) the term 'patient navigator' means an individual whose functions include—

''(i) assisting and guiding patients with a symptom or an abnormal finding or diagnosis of cancer or other chronic disease within the health care system to accomplish the follow-up and diagnosis of an abnormal finding as well as the treatment and appropriate follow-up care of cancer or other chronic disease, including information about clinical trials; and

''(ii) identifying, anticipating, and helping patients overcome barriers within the health care system to ensure prompt diagnostic and treatment resolution of an abnormal finding of cancer or other chronic disease.

''(B) Such term includes representatives of the target health disparity population, such as nurses, social workers, cancer survivors, and patient advocates.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—

''(A) MODEL PROGRAMS.—For the purpose of carrying out subsection (a) (other than the purpose described in paragraph (2)(A)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

''(B) PATIENT NAVIGATORS.—For the purpose of carrying out subsection (b) (other than the purpose described in paragraph (2)(B)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

''(C) BUREAU OF PRIMARY HEALTH CARE.—Amounts appropriated under subparagraph (A) or (B) shall be administered through the Bureau of Primary Health Care.

''(2) PROGRAMS IN RURAL AREAS.—

''(A) MODEL PROGRAMS.—For the purpose of carrying out subsection (a) by making grants under such subsection for model programs in rural areas, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

''(B) PATIENT NAVIGATORS.—For the purpose of carrying out subsection (b) by making grants under such subsection for programs in rural areas, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

''(C) OFFICE OF RURAL HEALTH POLICY.—Amounts appropriated under subparagraph (A) or (B) shall be administered through the Office of Rural Health Policy.

''(3) RELATION TO OTHER AUTHORIZATIONS.—Authorizations of appropriations under paragraphs (1) and (2) are in addition to other authorizations of appropriations that are available for the purposes described in such paragraphs.''.

By Mr. VOINOVICH:

S. 456. A bill to exclude certain wire rods from the scope of any antidumping or countervailing duty order issued as a result of certain investigations relating to carbon and certain alloy steel rods; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF CERTAIN WIRE RODS FROM ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any antidumping or countervailing duty order that is issued as a result of antidumping investigations A–351–832, A–122–840, A–428–832, A–560–815, A–201–830, A–841–805, A–274–804, and A–823–812, or countervailing duty investigations C–351–833, C–122–841, C–428–833, C–274–805, and C–489–809, relating to carbon and certain alloy steel rods, shall not include wire rods that meet the American Welding Society ER70S–6 classification and are used to produce Mig Wire.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. LEAHY (for himself, Ms. SNOWE, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. CAMPBELL, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DOMENICI, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. REID, Mr. ROBERTS, Mr.

ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Mr. SUNUNU, Mr. WARNER, Mr. WYDEN, and Ms. CANTWELL):

S. 456. A bill to remove the limitation on the use of funds to require a farm to feed livestock with organically produced feed to be certified as an organic farm; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEAHY. Mr. President, today I am proud to introduce with Senator SNOWE a bipartisan bill that will repeal a rider in the Omnibus Appropriations Conference Report. After the Conference Committee met and behind closed doors, this special interest rider gutted the organic standards just recently enacted by U.S. Department of Agriculture. Thirty four Senators, and counting, from both parties are joining me to repeal this special interest provision and restore credibility to the USDA organic standards.

I understand this special interest provision was inserted into the bill on behalf of a single producer who essentially wants to hijack the ''organic'' certification label for his own purposes. He wants to get a market premium for his products, without actually being an organic product.

This provision will allow producers to label their meat and dairy products ''organic'' even though they do not meet the strict criteria set forth by USDA, including the requirement that the animals be fed organically grown feed. This approach was considered and outright rejected by USDA last June. The entire organic industry opposed this weakening of the organic standards. If beef, poultry, pork and dairy producers are able to label their products as ''organic'' without using organic feed, which is one of the primary inputs, then what exactly is organic about the product?

This provision is particularly galling because so many producers have already made the commitment to organic production. For most, this is a huge financial commitment on their part. I have already heard from some large producers—General Mills, Tyson Foods—as well as scores of farmers from Vermont and around the country who are enraged by this special loophole included for one company that does not want to play by the rules.

My legislation strikes this rider from the Omnibus Appropriations Act and I hope to move it through Congress quickly before it does gut the organic meat and dairy industry. We need to send a message to all producers that if you want to benefit from the organic standards economically, you must actually meet them. When I included the ''The Organic Foods Production Act'' in the 1990 farm bill, it was because farmers recognized the growing consumer demand for organically produced products, but needed a tool to help consumers know which products were truly organic and which were not. The Act directed USDA to set minimum national standards for products labeled ''organic'' so that consumers could make informed buying decisions. The national standard also reassured farmers selling organically produced products that they would not have to follow separate rules in each state, and that their products could be labeled ''organic'' overseas.

The new standards have been enthusiastically welcomed by consumers, because through organic labeling they now can know what they are choosing and paying for when they shop. This proposal to weaken the organic standards would undermine public confidence in organic labeling, which is less than a year old.

Getting the organic standards that are behind the ''USDA Organic'' label right was a long and difficult process, but critically important to the future of the industry. Along the way, some tried to allow products treated with sewer sludge, irradiation, and antibiotics to be labeled ''organic.'' The public outcry against this was overwhelming. More than 325,000 people weighed in during the comment period, as did I. The groundswell of support for strong standards clearly showed that the public wants ''organic'' to really mean something. Those efforts to hijack the term were defeated and this one should be too.

Consumers and producers rely on the standard. I hope more members will cosponsor my bill and send a message to special interests that they cannot hijack the organic industry through a rider on the spending bill. We need to fix this mistake and restore integrity to our organic standards.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, and Mrs. BOXER):

S. 458. A bill to establish the Southwest Regional Border Authority; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation along with Senator KAY BAILEY HUTCHISON that will help raise the standard of living for hundreds of thousands of Americans who live near the U.S.-Mexico Border. The ''Southwest Regional Border Authority Act'' would create an economic development authority for the Southwest border region, charged with awarding grants to border communities in support of their local economic development projects.

The need for a Regional Border Authority is acute: the poverty rate in the Southwest border region is 20 percent—nearly double the national average; unemployment rates in Southwest border counties often reach as high as five times the national unemployment rate; per capita personal income in the region is greatly below the national average; and lack of adequate access to capital has made it difficult for businesses to start up in the region.

In addition, the development of key infrastructures—such as water and wastewater, transportation, public health, and telecommunications—has not kept pace with the population explosion and the increase in cross-border commerce.

The counties in the Southwest border region are among the most economically distressed in the nation. In fact, there are only a few such regions of economic distress throughout the country—almost all of which are currently served by regional economic development commissions. These commissions, which are authorized by Congress, include the Appalachian Regional Commission, the Delta Regional Authority, and the Denali Commission. In order to address the needs of the border region in a similar fashion, I propose the creation of a regional economic development authority for the Southwest border.

My bill, which is modeled after the Appalachian Regional Commission, is based on four guiding principles. First, it starts from the premise that the people who live in the southwest border region know best when it comes to making decisions that affect their communities. Second, it employs a regional approach to economic development and encourages communities to work across county and state lines when appropriate. All too often, past efforts to improve the Southwest border region have hit roadblocks as a result of poor coordination and communication between communities.

Third, it creates an economic development entity that is independent—meaning it will be able to make decisions that are in the best interest of border communities, without being subject to the politics of Federal agencies. Finally, it brings together representatives of the four Southwest border States and the Federal Government as equal partners, all of whom will work to improve the quality of life and standard of living for border residents.

This is not just another commission, and it is certainly not just another grant program. I believe the Southwest Regional Border Authority not only will help leverage new private sector funding, but also will help better target Federal funding to those projects that are most likely to achieve the desired outcome of increased economic development.

The legislation accomplishes this through a sensible mechanism of development planning. Under the bill, communities in each of the four border States will work through ''local development districts'' to create development plans that reflect the needs and priorities specific to each locality. These local development plans then go to the State in which the communities are located, where they become the basis for a State development plan. The four State development plans, in turn, from the basis for a regional development plan, which is put together by the Authority. The purpose of this planning process is to ensure that local priorities are reflected in the projects funded by the Authority, while also

providing flexibility to the Authority to fund projects that are regional in nature.

This process has several advantages. First, by ensuring that Federal dollars are targeted to projects that have gone through thorough planning at the local level, we will greatly improve the probability of success for those projects—thereby increasing the Federal Government's return on its investment. Second, local development plans are essential to attracting private sector funding. Increased private investment means less need for Federal, State, and local public sector funding. Third, combining resources in such a way will help communities get more funding then they can currently get from any one program. This is particularly important now as we in Congress grapple with how to fund the needs of the border in the current budget climate.

I believe there are additional benefits to be derived from the Border Authority. As the only independent, quasi-Federal entity charged with economic development for the entire Southwest border region, the Authority will become a clearinghouse of sorts on all the funding available to the border region. This will enable the Authority to help border communities learn which programs are best suited to their needs and most likely to achieve the goals of their local development plans. Another benefit is its focus on economically distressed counties. Under the bill, the Authority can provide funding to increase the Federal share of a federal grant program to up to 90 percent of the total cost. This is particularly helpful to the many communities that are often unable to utilize federal funding because they can't afford the required local match.

For far too long the needs of the Southwest Border have been ignored, overlooked, or underfunded. I am confident that the creation of a Southwest Regional Border Authority not only will call attention to the great needs that exist along the border, but also provide resources to local communities where the dollars will do the most good. I urge the Senate to move swiftly on this legislation, and I ask my colleagues for their support.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Southwest Regional Border Authority Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) a rapid increase in population in the Southwest border region is placing a significant strain on the infrastructure of the region, including transportation, water and wastewater, public health, and telecommunications;

(2) 20 percent of the residents of the region have incomes below the poverty level;

(3) unemployment rates in counties in the region are up to 5 times the national unemployment rate;

(4) per capita personal income in the region is significantly below the national average and much of the income in the region is distributed through welfare programs, retirement programs, and unemployment payments;

(5) a lack of adequate access to capital in the region—

(A) has created economic disparities between communities in the region and communities outside the region; and

(B) has made it difficult for businesses to start up in the region;

(6) it has been difficult for displaced workers in the region to find employment because many workers—

(A) have limited English language proficiency; and

(B) lack adequate English language and job training;

(7) many residents of the region live in communities referred to as ''colonias'' that lack basic necessities, including running water, sewers, storm drainage, and electricity;

(8) many of the problems that exist in the region could be solved or ameliorated by technology that would contribute to economic development in the region;

(9) while numerous Federal, State, and local programs target financial resources to the region, those programs are often uncoordinated, duplicative, and, in some cases, unavailable to eligible border communities because those communities cannot afford the required funding match;

(10) Congress has established several regional economic development commissions, including the Appalachian Regional Commission, the Delta Regional Authority, and the Denali Commission, to improve the economies of those areas of the United States that experience the greatest economic distress; and

(11) many of the counties in the region are among the most economically distressed in the United States and would benefit from a regional economic development commission.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a regional economic development authority for the Southwest Border region to address critical issues relating to the economic health and well-being of the residents of the region;

(2) to provide funding to communities in the region to stimulate and foster infrastructure development, technology development, community development and entrepreneurship, and education and workforce development in the region;

(3) to increase the total amount of Federal funding available for border economic development projects by coordinating with and reducing duplication of other Federal, State, and local programs; and

(4) to empower the people of the region through the use of local development districts and State and regional development plans that reflect State and local priorities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ATTAINMENT COUNTY.—The term ''attainment county'' means an economically strong county that is not a distressed county or a competitive county.

(2) AUTHORITY.—The term ''Authority'' means the Southwest Regional Border Authority established by section 101(a)(1).

(3) BINATIONAL REGION.—The term ''binational region'' means the area in the United States and Mexico that is within 150 miles of the international border between the United States and Mexico.

(4) BUSINESS INCUBATOR SERVICE.—The term ''business incubator service'' means—

(A) a legal service, including aid in preparing a corporate charter, partnership agreement, or contract;

(B) a service in support of the protection of intellectual property through a patent, a trademark, or any other means;

(C) a service in support of the acquisition or use of advanced technology, including the use of Internet services and Web-based services; and

(D) consultation on strategic planning, marketing, or advertising.

(5) COMPETITIVE COUNTY.—The term ''competitive county'' means an economically strong county that meets at least 1, but not all, of the criteria for a distressed county specified in paragraph (5).

(6) DISTRESSED COUNTY.—The term ''distressed county'' means a county in the region that—

(A)(i) has a poverty rate that is at least 150 percent of the poverty rate of the United States;

(ii) has a per capita market income that is not more than 67 percent of the per capita market income of the United States; and

(iii) has a 3-year unemployment rate that is at least 150 percent of the unemployment rate of the United States; or

(B)(i) has a poverty rate that is at least 200 percent of the poverty rate of the United States; and

(ii)(I) has a per capita market income that is not more than 67 percent of the per capita market income of the United States; or

(II) has a 3-year unemployment rate that is at least 150 percent of the unemployment rate of the United States.

(7) ECONOMICALLY STRONG COUNTY.—The term ''economically strong county'' means a county in the region that is not a distressed county.

(8) FEDERAL GRANT PROGRAM.—The term ''Federal grant program'' means a Federal grant program to provide assistance in—

(A) acquiring or developing land;

(B) constructing or equipping a highway, road, bridge, or facility; or

(C) carrying out other economic development activities.

(9) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) ISOLATED AREA OF DISTRESS.—The term ''isolated area of distress'' means an area located in an economically strong county that has a high rate of poverty, unemployment, or outmigration, as determined by the Authority.

(11) LOCAL DEVELOPMENT DISTRICT.—The term ''local development district'' means an entity that—

(A)(i) is an economic development district that is—

(I) in existence on the date of enactment of this Act; and

(II) recognized by the Economic Development Administration; and

(III) located in the region; or

(ii) if an entity described in clause (i) does not exist—

(I) is organized and operated in a manner that ensures broad-based community participation and an effective opportunity for local officials, community leaders, and the public to contribute to the development and implementation of programs in the region;

(II) is governed by a policy board with at least a simple majority of members consisting of—

(aa) elected officials; or

(bb) designees or employees of a general purpose unit of local government that have been appointed to represent the unit of local government; and

(III) is certified by the Governor or appropriate State officer as having a charter or authority that includes the economic development of counties, portions of counties, or other political subdivisions within the region; and

(B) has not, as certified by the Federal cochairperson—

(i) inappropriately used Federal grant funds from any Federal source; or

(ii) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

(12) REGION.—The term ''region'' means—

(A) the counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima, Pinal, Santa Cruz, and Yuma in the State of Arizona;

(B) the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California;

(C) the counties of Catron, Chaves, Doña Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico; and

(D) the counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green, Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

(13) SMALL BUSINESS.—The term ''small business'' has the meaning given the term ''small business concern'' in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

TITLE I—SOUTHWEST REGIONAL BORDER AUTHORITY

SEC. 101. MEMBERSHIP AND VOTING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Southwest Regional Border Authority.

(2) COMPOSITION.—The Authority shall be composed of—

(A) a Federal member, to be appointed by the President, by and with the advice and consent of the Senate; and

(B) State members, who shall consist of the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority.

(3) COCHAIRPERSONS.—The Authority shall be headed by—

(A) the Federal member, who shall serve—

(i) as the Federal cochairperson; and

(ii) as a liaison between the Federal Government and the Authority; and

(B) a State cochairperson, who shall—

(i) be a Governor of a State described in paragraph (2)(B);

(ii) be elected by the State members for a term of not more than 2 years; and

(iii) serve only 1 term during any 4 year period.

(b) ALTERNATE MEMBERS.—

(1) STATE ALTERNATES.—The State member of a State described in paragraph (2)(B) may have a single alternate, who shall be—

(A) a resident of that State; and

(B) appointed by the Governor of the State, from among the members of the cabinet or personal staff of the Governor.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

(3) QUORUM.—Subject to subsection (d)(4), a State alternate member shall not be counted toward the establishment of a quorum of the members of the Authority in any case in which a quorum of the State members is required to be present.

(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraph (2) or (3) of subsection (d), and no voting right of any member of the Authority, shall be delegated to any person who is not—

(A) a member of the Authority; or

(B) entitled to vote at meetings of the Authority.

(c) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Authority shall be conducted not later than the date that is the earlier of—

(A) 180 days after the date of enactment of this Act; or

(B) 60 days after the date on which the Federal cochairperson is appointed.

(2) OTHER MEETINGS.—The Authority shall hold meetings at such times as the Authority determines, but not less often than semiannually.

(3) LOCATION.—Meetings of the Authority shall be conducted, on a rotating basis, at a site in the region in each of the States of Arizona, California, New Mexico, and Texas.

(d) VOTING.—

(1) IN GENERAL.—To be effective, a decision by the Authority shall require the approval of the Federal cochairperson and not less than 60 percent of the State members of the Authority (not including any member representing a State that is delinquent under section 102(d)(2)(D)).

(2) QUORUM.—

(A) IN GENERAL.—A majority of the State members shall constitute a quorum.

(B) REQUIRED FOR POLICY DECISION.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

(i) a modification or revision of a policy decision of the Authority;

(ii) approval of a State or regional development plan; and

(iii) any allocation of funds among the States.

(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

(A) a responsibility of the Authority; and

(B) conducted in accordance with section 302.

(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State member for which the alternate member is an alternate.

SEC. 102. DUTIES AND POWERS.

(a) DUTIES.—The Authority shall—

(1) develop comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

(2) conduct and sponsor investigations, research, and studies, including an inventory and analysis of the resources of the region, using, in part, the materials compiled by the Interagency Task Force on the Economic Development of the Southwest Border established by Executive Order No. 13122 (64 Fed. Reg. 29201);

(3) sponsor demonstration projects under section 207;

(4)(A) enhance the capacity of, and provide support for, local development districts in the region; or

(B) if there is no local development district described in clause (i) of section 3(11)(A) for a portion of the region, foster the creation of a local development district;

(5) review and study Federal, State, and local public and private programs and, as appropriate, recommend modifications or additions to increase the effectiveness of the programs;

(6) formulate and recommend, as appropriate, interstate and international compacts and other forms of interstate and international cooperation;

(7) encourage private investment in industrial, commercial, and recreational projects in the region;

(8) provide a forum for consideration of the problems of the region and any proposed solutions to those problems;

(9) establish and use, as appropriate, citizens, special advisory counsels, and public conferences; and

(10) provide a coordinating mechanism to avoid duplication of efforts among the border programs of the Federal agencies and the programs established under the North American Free Trade Agreement entered into by the United States, Mexico, and Canada on December 17, 1992.

(b) POWERS.—In carrying out subsection (a), the Authority may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings of, and reports on actions by, the Authority as the Authority considers appropriate;

(2) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Authority in carrying out the duties of the Authority;

(3) maintain an accurate and complete record of all transactions and activities of the Authority, to be available for audit and examination by the Comptroller General of the United States;

(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties of the Authority;

(5) request the head of any Federal agency to detail to the Authority, for a specified period of time, such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

(6) request the head of any State department or agency or local government to detail to the Authority, for a specified period of time, such personnel as the Authority requires to carry out the duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

(7) make recommendations to the President regarding—

(A) the expenditure of funds at the Federal, State, and local levels under this Act; and

(B) additional Federal, State, and local legislation that may be necessary to further the purposes of this Act;

(8) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

(A) making arrangements or entering into contracts with any participating State government; or

(B) otherwise providing retirement and other employee benefit coverage;

(9) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

(10) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out the duties of the Authority;

(11) establish and maintain—

(A) a headquarters for the Authority, to be located at a site that is not more than 100 kilometers from the international border between the United States and Mexico; and

(B) at least 1 field office in each of the States of Arizona, California, New Mexico, and Texas, to be located at appropriate sites in the region that are not more than 100 kilometers from the international border between the United States and Mexico; and

(12) provide for an appropriate level of representation in Washington, D.C.

(c) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

(1) cooperate with the Authority; and

(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this Act, in accordance with applicable Federal laws (including regulations).

(d) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—

(A) ADMINISTRATIVE EXPENSES.—Subject to paragraph (2), administrative expenses of the Authority shall be paid—

(i) by the Federal Government, in an amount equal to 60 percent of the administrative expenses; and

(ii) by the States in the region that elect to participate in the Authority, in an amount equal to 40 percent of the administrative expenses.

(B) EXPENSES OF FEDERAL CHAIRPERSON.—All expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, shall be paid by the Federal Government.

(2) STATE SHARE.—

(A) IN GENERAL.—Subject to subparagraph (C), the share of administrative expenses of the Authority to be paid by each State shall be determined by a unanimous vote of the State members of the Authority.

(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

(C) LIMITATION.—A State shall not pay less than 10 nor more than 40 percent of the share of administrative expenses of the Authority determined under paragraph (1)(A)(ii).

(D) DELINQUENT STATES.—During any period in which a State is more than 1 year delinquent in payment of the State's share of administrative expenses of the Authority under this subsection (as determined by the Secretary)—

(i) no assistance under this Act shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

(E) EFFECT ON ASSISTANCE.—A State's share of administrative expenses of the Authority under this subsection shall not be taken into consideration in determining the amount of assistance provided to the State under title II.

SEC. 103. AUTHORITY PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

(A) shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level V of the Executive Schedule described in paragraph (1); and

(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

(3) STATE MEMBERS AND ALTERNATES.—

(A) IN GENERAL.—A State shall compensate each member and alternate member representing the State on the Authority at the rate established by State law.

(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary, from any source other than the State for services provided by the member or alternate member to the Authority.

(b) DETAILED EMPLOYEES.—

(1) IN GENERAL.—No person detailed to serve the Authority under section 102(b)(6) shall receive any salary, or any contribution to or supplementation of salary, for services provided to the Authority from—

(A) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

(B) the Authority.

(2) VIOLATION.—Any person that violates this subsection shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

(c) ADDITIONAL PERSONNEL.—

(1) COMPENSATION.—

(A) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

(B) EXCEPTION.—Compensation under subparagraph (A) shall not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(2) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

(A) carrying out the administrative duties of the Authority;

(B) directing the Authority staff; and

(C) carrying out such other duties as the Authority may assign.

(3) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (other than the Federal cochairperson, the alternate Federal cochairperson, staff of the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (b)) shall be considered to be a Federal employee for any purpose.

(d) CONFLICTS OF INTEREST.—

(1) IN GENERAL.—Except as provided under paragraph (2), no State member, State alternate, officer, employee, or detailee of the Authority shall participate personally and substantially as a member, alternate, officer, employee, or detailee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which the member, alternate, officer, employee, or detailee has a financial interest.

(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, State alternate, officer, employee, or detailee—

(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

(B) makes full disclosure of the financial interest; and

(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, State alternate, officer, employee, or detailee.

(3) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

(e) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of subsection (b), subsection (d), or any of sections 202 through 209 of title 18, United States Code.

(f) APPLICABLE LABOR STANDARDS.—

(1) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating, of projects, buildings, and works funded by the United States under this Act, shall be paid wages at not less than the prevailing wages on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a et seq.).

(2) AUTHORITY.—With respect to the determination of wages under paragraph (1), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan No. 14 of 1950 (64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

TITLE II—GRANTS AND DEVELOPMENT PLANNING

SEC. 201. INFRASTRUCTURE DEVELOPMENT AND IMPROVEMENT.

The Authority may approve grants to States, local governments, Indian tribes, and public and nonprofit organizations in the region for projects, approved in accordance with section 302, to develop and improve the transportation, water and wastewater, public health, and telecommunications infrastructure of the region.

SEC. 202. TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.

The Authority may approve grants to small businesses, universities, national laboratories, and nonprofit organizations in the

region to research, develop, demonstrate, and deploy technology that addresses—

(1) water quality;

(2) water quantity;

(3) pollution;

(4) transportation;

(5) energy consumption;

(6) public health;

(7) border and port security; and

(8) any other related matter that stimulates job creation or enhances economic development in the region, as determined by the Authority.

SEC. 203. COMMUNITY DEVELOPMENT AND ENTREPRENEURSHIP.

The Authority may approve grants to States, local governments, Indian tribes, small businesses, and public or nonprofit entities for projects, approved in accordance with section 302—

(1) to create dynamic local economies by—

(A) recruiting businesses to the region; and

(B) increasing and expanding international trade to other countries;

(2) to foster entrepreneurship by—

(A) supporting the advancement of, and providing entrepreneurial training and education for, youths, students, and businesspersons;

(B) improving access to debt and equity capital by facilitating the establishment of development venture capital funds and other appropriate means;

(C) providing aid to communities in identifying, developing, and implementing development strategies for various sectors of the economy; and

(D)(i) developing a working network of business incubators; and

(ii) supporting entities that provide business incubator services; and

(3) to promote civic responsibility and leadership through activities that include—

(A) the identification and training of emerging leaders;

(B) the encouragement of citizen participation; and

(C) the provision of assistance for strategic planning and organization development.

SEC. 204. EDUCATION AND WORKFORCE DEVELOPMENT.

The Authority, in coordination with State and local workforce development boards, may approve grants to States, local governments, Indian tribes, small businesses, and public or nonprofit entities for projects, approved in accordance with section 302—

(1) to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies; and

(2) to supplement in-plant training programs offered by State and local governments to attract new businesses to the region.

SEC. 205. FUNDING.

(a) IN GENERAL.—Funds for grants under sections 201 through 204 may be provided—

(1) entirely from appropriations to carry out this Act;

(2) in combination with funds available under another Federal grant program or other Federal program; or

(3) in combination with funds from any other source, including—

(A) State and local governments, nonprofit organizations, and the private sector in the United States;

(B) the federal and local government of, and private sector in, Mexico; and

(C) the North American Development Bank.

(b) PRIORITY OF FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), the Authority shall award funding to each State in the region for activities in accordance with an order of priority to be determined by the State.

(2) FUNDING FOR BORDER COUNTIES.—For each fiscal year, the Authority shall allocate at least 60 percent of the amounts made available under section 306 for programs and projects designed to serve the needs of—

(A) distressed counties located along the international border between the United States and Mexico; and

(B) isolated areas of distress located within counties along the international border between the United States and Mexico.

(c) BINATIONAL PROJECTS.—

(1) PROHIBITION ON PROVISION OF FUNDING TO NON-UNITED STATES ENTITIES.—The Authority shall not award funding to any entity that is not incorporated in the United States.

(2) FUNDING OF BINATIONAL PROJECTS.—The Authority may award funding to a project in which an entity that is incorporated outside the United States participates if, for any fiscal year, the entity matches with an equal amount, in cash or in-kind, the assistance received under this Act for the fiscal year.

SEC. 206. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

(1) they lack the economic resources to provide the required matching share; or

(2) there are insufficient funds available under the Federal law authorizing the Federal grant program to meet pressing needs of the region.

(b) FEDERAL GRANT PROGRAM FUNDING.—Notwithstanding any provision of law limiting the Federal share, the areas eligible for assistance, or the authorizations of appropriations, under any Federal grant program, and in accordance with subsection (c), the Authority, with the approval of the Federal cochairperson and with respect to a project to be carried out in the region, may—

(1) increase the Federal share of the costs of a project under any Federal grant program to not more than 90 percent (except as provided in section 209(b)); and

(2) use amounts made available to carry out this Act to pay all or a portion of the increased Federal share.

(c) CERTIFICATIONS.—

(1) IN GENERAL.—In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, no Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

(A) meets (except as provided in subsection (b)) the applicable requirements of the applicable Federal grant program; and

(B) could be approved for Federal contribution under the Federal grant program if funds were available under the law for the project.

(2) CERTIFICATION BY AUTHORITY.—

(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 302—

(i) shall be controlling; and

(ii) shall be accepted by the Federal agencies.

(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—In the case of any project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.

SEC. 207. DEMONSTRATION PROJECTS.

(a) IN GENERAL.—For each fiscal year, the Authority may approve not more than 10 demonstration projects to carry out activities described in sections 201 through 204, of which not more than 3 shall be carried out in any 1 State.

(b) REQUIREMENTS.—A demonstration project carried out under this section shall—

(1) be carried out on a multistate or multicounty basis; and

(2) be developed in accordance with the regional development plan prepared under section 210(d).

SEC. 208. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

(1) IN GENERAL.—The Authority shall make grants to local development districts to pay the administrative expenses of the local development districts.

(2) CONDITIONS FOR GRANTS.—

(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded for a period greater than 3 years to a State agency certified as a local development district.

(C) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

(b) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

(1) operate as a lead organization serving multicounty areas in the region at the local level;

(2) assist the Authority in carrying out outreach activities for local governments, community development groups, the business community, and the public;

(3) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens; and

(4) assist the individuals and entities described in paragraph (3) in identifying, assessing, and facilitating projects and programs to promote the economic development of the region.

SEC. 209. DISTRESSED COUNTIES AND AREAS AND ECONOMICALLY STRONG COUNTIES.

(a) DESIGNATIONS.—At the initial meeting of the Authority and annually thereafter, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

(1) distressed counties;

(2) economically strong counties;

(3) attainment counties;

(4) competitive counties; and

(5) isolated areas of distress.

(b) DISTRESSED COUNTIES.—

(1) IN GENERAL.—For each fiscal year, the Authority shall allocate at least 50 percent of the amounts made available under section 306 for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

(2) FUNDING LIMITATIONS.—The funding limitations under section 206(b) shall not apply to a project to provide transportation or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

(c) ECONOMICALLY STRONG COUNTIES.—

(1) ATTAINMENT COUNTIES.—Except as provided in paragraph (3), the Authority shall

not provide funds for a project located in a county designated as an attainment county under subsection (a)(3).

(2) COMPETITIVE COUNTIES.—Except as provided in paragraph (3), the Authority shall not provide more than 30 percent of the total cost of any project carried out in a county designated as a competitive county under subsection (a)(2)(B).

(3) EXCEPTIONS.—

(A) IN GENERAL.—The funding prohibition under paragraph (1) and the funding limitation under paragraph (2) shall not apply to grants to fund the administrative expenses of local development districts under section 208(a).

(B) MULTICOUNTY PROJECTS.—If the Authority determines that a project could bring significant benefits to areas of the region outside an attainment or competitive county, the Authority may waive the application of the funding prohibition under paragraph (1) and the funding limitation under paragraph (2) to—

(i) a multicounty project that includes participation by an attainment or competitive county; or

(ii) any other type of project.

(4) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress for assistance to be effective, the designation shall be supported—

(A) by the most recent Federal data available; or

(B) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

SEC. 210. DEVELOPMENT PLANNING PROCESS.

(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Authority, each State member shall submit an annual development plan for the area of the region represented by the State member to assist the Authority in determining funding priorities under section 205(b).

(b) CONSULTATION WITH INTERESTED PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

(1) consult with—

(A) local development districts; and

(B) local units of government;

(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1); and

(3) solicit input on and take into consideration the potential impact of the State development plan on the binational region.

(c) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this Act.

(2) REGULATIONS.—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

(d) REGIONAL DEVELOPMENT PLAN.—The Authority shall prepare an annual regional development plan that—

(1) is based on State development plans submitted under subsection (a);

(2) takes into account—

(A) the input of the private sector, academia, and nongovernmental organizations; and

(B) the potential impact of the regional development plan on the binational region;

(3) establishes 5-year goals for the development of the region;

(4) identifies and recommends to the States—

(A) potential multistate or multicounty projects that further the goals for the region; and

(B) potential development projects for the binational region; and

(5) identifies and recommends to the Authority for funding demonstration projects under section 207.

TITLE III—ADMINISTRATION

SEC. 301. PROGRAM DEVELOPMENT CRITERIA.

(a) IN GENERAL.—In considering programs and projects to be provided assistance under this Act, and in establishing a priority ranking of the requests for assistance provided to the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

(1) the relationship of the project or class of projects to overall regional development;

(2) the per capita income and poverty and unemployment rates in an area;

(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

(4) the socioeconomic importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this Act shall be used to assist a person or entity in relocating from 1 area to another, except that financial assistance may be used as otherwise authorized by this Act to attract businesses from outside the region to the region.

(c) MAINTENANCE OF EFFORT.—Funds may be provided for a program or project in a State under this Act only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this Act, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this Act.

SEC. 302. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this Act shall be reviewed by the Authority.

(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this Act shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application for the project—

(1) describes ways in which the project complies with any applicable State development plan;

(2) meets applicable criteria under section 301;

(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

(4) otherwise meets the requirements of this Act.

(d) VOTES FOR DECISIONS.—On certification by a State member of the Authority of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 101(d) shall be required for approval of the application.

SEC. 303. CONSENT OF STATES.

Nothing in this Act requires any State to engage in or accept any program under this Act without the consent of the State.

SEC. 304. RECORDS.

(a) RECORDS OF THE AUTHORITY.—

(1) IN GENERAL.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

(2) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States (including authorized representatives of the Comptroller General).

(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

(1) IN GENERAL.—A recipient of Federal funds under this Act shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report to the Authority on the transactions and activities.

(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States and the Authority (including authorized representatives of the Comptroller General and the Authority).

(c) ANNUAL AUDIT.—The Comptroller General of the United States shall audit the activities, transactions, and records of the Authority on an annual basis.

SEC. 305. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this Act.

(b) CONTENTS.—

(1) IN GENERAL.—The report shall include—

(A) an evaluation of the progress of the Authority—

(i) in meeting the goals set forth in the regional development plan and the State development plans; and

(ii) in working with other Federal agencies and the border programs administered by the Federal agencies;

(B) examples of notable projects in each State;

(C) a description of all demonstration projects funded under section 306(b) during the fiscal year preceding submission of the report; and

(D) any policy recommendations approved by the Authority.

(2) INITIAL REPORT.—In addition to the contents specified in paragraph (1), the initial report submitted under this section shall include—

(A) a determination as to whether the creation of a loan fund to be administered by the Authority is necessary; and

(B) if the Authority determines that a loan fund is necessary—

(i) a request for the authority to establish a loan fund; and

(ii) a description of the eligibility criteria and performance requirements for the loans.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Authority to carry out this Act, to remain available until expended—

(1) $50,000,000 for fiscal year 2004;

(2) $75,000,000 for fiscal year 2005;

(3) $90,000,000 for fiscal year 2006;

(4) $92,000,000 for fiscal year 2007; and

(5) $94,000,000 for fiscal year 2008.

(b) DEMONSTRATION PROJECTS.—Of the funds made available under subsection (a),

$5,000,000 for each fiscal year shall be available to the Authority to carry out section 207.

SEC. 307. TERMINATION OF AUTHORITY.

The authority provided by this Act terminates effective October 1, 2008.

By Mr. LEAHY (for himself, Mr. GRAHAM of South Carolina, Ms. COLLINS, Mr. JEFFORDS, Mr. SARBANES, Mr. SCHUMER, Mr. DURBIN, Ms. LANDRIEU, Mr. NELSON of Florida, Mrs. CLINTON, and Ms. SNOWE):

S. 459. A bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I proudly rise today to introduce the Hometown Heroes Survivors Benefits Act of 2003. I thank Senators GRAHAM of South Carolina, COLLINS, JEFFORDS, SARBANES, SCHUMER, DURBIN, LANDRIEU, NELSON of Florida, CLINTON and SNOWE for joining me as original cosponsors of this multipartisan legislation that will improve the Department of Justice's Public Safety Officers' Benefits, PSOB, Program by allowing families of public safety officers who suffer fatal heart attacks or strokes to qualify for Federal survivor benefits.

I want to begin by thanking each of our Nation's brave firefighters, emergency medical rescuers and law enforcement officers for the jobs they do for the American public day in and day out. Our public safety officers are often the first to respond to any crime or emergency situation. On September 11, the Nation saw that the first on the scene at the World Trade Center were the heroic firefighters, police officers and emergency personnel of New York City. These real-life heroes, many of whom gave the ultimate sacrifice, remind us of how important it is to support our state and local public safety partners.

I commend Congressmen ETHERIDGE, WELDON, HOYER and OXLEY for their leadership and fortitude during the last Congress on an identical bill in the House. I look forward to working with them again during the 108th Congress on this important legislation.

Last year, both the House and Senate versions of this legislation received the endorsement of the Fraternal Order of Police, National Association of Police Organizations, Congressional Fire Services Institute, International Association of Arson Investigators, International Association of Fire Chiefs, International Association of Fire Fighters, National Fire Protection Association, National Volunteer Fire Council, North American Fire Training Directors, International Fire Buff Associates, National Association of Emergency Medical Technicians, American Ambulance Association, the American Federation of State, County and Municipal Employees, along with over 50 additional national organizations. I thank all of these organizations for their unwavering support for this legislation.

Public safety officers are among our most brave and dedicated public servants. I applaud the efforts of all members of fire, law enforcement, and rescue organizations nationwide who are the first to respond to more than 1.6 million emergency calls annually whether those calls involve a crime, fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident without reservation. They act with an unwavering commitment to the safety and protection of their fellow citizens, and are forever willing to selflessly sacrifice their own lives to provide safe and reliable emergency services to their communities. Sadly, this dedication to service can result in tragedy, as was evident by the bravery displayed on September 11, 2001, when scores of first responders raced to the World Trade Center and the Pentagon with no other goal but to save lives.

Every year, hundreds of public safety officers nationwide lose their lives and thousands more are injured while performing duties that subject them to great physical risks. And while we know that PSOB benefits can never be a substitute for the loss of a loved one, the families of all our fallen heroes deserve to collect these funds.

The PSOB Program was established in 1976 to authorize a one-time financial payment to the eligible survivors of Federal, State, and local public safety officers for all line-of-duty deaths.

Two years ago, Congress improved the PSOB Program by streamlining the process for families of public safety officers killed or injured in connection with prevention, investigation, rescue or recovery efforts related to a terrorist attack. We also retroactively increased the total benefits available by $100,000 as part of the USA PATRIOT Act.

The PSOB Program currently provides approximately $262,000 in benefits to the families of law enforcement officers, firemen, emergency response squad members, and ambulance crew members who are killed in the line of duty.

Unfortunately, the issue of covering heart attack and stroke victims in the PSOB Program was not addressed at that time.

When establishing the PSOB Program, Congress placed only three limitations on the payment of benefits. No award could be paid, first, if the death was caused by the intentional misconduct of the officer or by such officer's intention to bring about his own death; second, if voluntary intoxication of the officer was the proximate cause of such officer's death; or, third, to any person otherwise entitled to a benefit if such person's action was a substantial contributing factor to the death of the officer.

In years following, however, the Justice Department began to interpret the Program's guidelines to exclude from benefits the survivors of public safety officer who die of a heart attack or stroke while acting in the line of duty, arguing that the attack must be accompanied by a traumatic injury, such as a wound or other condition of the body caused by external force, including injuries by bullets, smoke inhalation, explosives, sharp instruments, blunt objects or other physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation, and bacteria. Barred are those who suffer from occupational injuries, such as stress and strain.

Service-connected heart, lung, and hypertension conditions are silent killers of public safety officers nationwide. The numerous hidden health dangers dealt with by police officers, firefighters and emergency medical personnel are widely recognized, but officers face these dangers in order to carry out their sworn duty to serve and protect their fellow citizens.

Our multi-partisan bill would effectively erase any distinction between traumatic and occupational injuries. The Hometown Heroes bill will fix the loophole in the PSOB Program to ensure that the survivors of public safety officers who die of heart attacks or strokes in the line of duty or within 24 hours of a triggering effect while on duty regardless of whether a traumatic injury is present at the time of the heart attack or stroke are eligible to receive financial assistance.

I was serving my first term in the Senate when this program was established, and I firmly believe that this is what Congress meant for the survivors of our Nation's first responders to receive through the Public Safety Officers Benefits Program.

Heart attack and cardiac related deaths account for almost half of all firefighter fatalities between 45–50 deaths and an average of 13 police officer deaths each year. Yet the families of these fallen heroes are rarely eligible to receive PSOB benefits.

In January 1978, special Deputy Sheriff Bernard Demag of the Chittenden County Sheriff's Office in Vermont suffered a fatal heart attack within two hours of his chase and apprehension of an escaped juvenile whom he had been transporting. Mr. Demag's family spent nearly two decades fighting in court for workers' compensation death benefits all to no avail. Clearly, we should be treating surviving family members of officers who die in the line of duty with more decency and respect.

Public safety is dangerous, exhausting, and stressful work. A first responder's chances of suffering a heart attack or stroke greatly increase when he or she puts on heavy equipment and rushes into a burning building to fight a fire and save lives. The families of these brave public servants deserve to participate in the PSOB Program if their loved ones die of a heart attack or other cardiac related ailments while selflessly protecting us from harm.

First responders across the country now face a new series of challenges as they respond to millions of emergency calls this year. They do this with an unwavering commitment to the safety of their fellow citizens, and are forever willing to selflessly sacrifice their own lives to protect the lives and property of their fellow citizens. It is time for the Senate to show its support and appreciation for these extraordinarily brave and heroic public safety officers by passing the Hometown Heroes Survivors Benefit Act.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hometown Heroes Survivors Benefits Act of 2003''.

SEC. 2. FATAL HEART ATTACK OR STROKE ON DUTY PRESUMED TO BE DEATH IN LINE OF DUTY FOR PURPOSES OF PUBLIC SAFETY OFFICER SURVIVOR BENEFITS.

Section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by adding at the end the following:

''(k) For purposes of this section, if a public safety officer dies as the direct and proximate result of a heart attack or stroke suffered while on duty, or not later than 24 hours after participating in a training exercise or responding to an emergency situation, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty.''.

SEC. 3. APPLICABILITY.

Section 1201(k) of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 2, shall apply to deaths occurring on or after January 1, 2003.

By Mrs. FEINSTEIN (for herself, Mr. MCCAIN, Mr. KYL, Mr. SCHUMER, Mrs. BOXER, Mrs. HUTCHISON, Mr. BINGAMAN, and Mr. DOMENICI):

S. 460. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Criminal Alien Assistance Program Reauthorization Act of 2003''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2004 THROUGH 2010.

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ''appropriated'' and all that follows through the period and inserting the following: ''appropriated to carry out this subsection—

''(A) such sums as may be necessary for fiscal year 2003;

''(B) $750,000,000 for fiscal year 2004;

''(C) $850,000,000 for fiscal year 2005; and

''(D) $950,000,000 for each of the fiscal years 2006 through 2010.''.

Mr. MCCAIN. Mr. President, I have long worked with my colleagues from Arizona and other border states to address issues, from health care to crime, that are associated with illegal immigration. In the 107th Congress, I joined Senator FEINSTEIN, Senator KYL, and a bipartisan group of Senators to reauthorize the State Criminal Alien Assistance Program, SCAAP, to ensure that the Federal Government reimbursed States for the costs wrongly borne by local communities for the incarceration of undocumented immigrants. That bill was based on the premise that control of illegal immigration is principally the responsibility of the Federal Government.

Last November, that legislation was incorporated into the 21st Century Department of Justice Authorization Act. Despite its enactment, States and local governments continue to disproportionately bear the costs associated with incarcerating illegal immigrants. As undocumented aliens take increasingly desperate measures to cross our border with Mexico, the burden borne by States along the Southwestern border continues to grow.

The Federal Government's attempt to stem illegal immigration in Texas and California has made it increasingly difficult to cross the border in these States. Unfortunately, these actions have created a funnel effect, giving Arizona the dubious distinction of being the location of choice for illegal border crossers. Reports suggest that at least one in three of the illegal border crossers arrest traversing the U.S.-Mexico border are stopped in Arizona. Last year approximately 320 people died in the desert trying to cross the border. Additionally, the number of attacks on National Park Service Officers has increased in recent years. Property crimes are rampant along the border, leaving Arizona with the highest per-capita auto theft rate in the nation. Times have gotten so desperate that vigilante groups have begun to form with the goal of doing the job the Federal Government is failing to do.

The situation along our Southwestern border has reached a crisis. I will continue to support legislative initiatives aimed at addressing the problems that stem from illegal immigration. However, I strongly believe that the Federal Government desperately needs innovative legislation to address the source of this problem through a guest worker program. In the absence of guest worker legislation, we must continue supporting important programs, such as SCAAP, that assist the border States where the Federal Government has failed.

Covering the cost of incarcerating illegal immigrants is yet another underfunded Federal mandate thrust upon struggling State governments. Less than two weeks ago, States were struck an enormous blow when the funding for SCAAP was cut in half by the FY 2003 Omnibus appropriations bill signed into law by the President. For my own State of Arizona, this means that rather than the $24 million reimbursement Arizona received in FY 2002—which barely covered one third of the actual cost borne by the State—at best Arizona can hope to receive half that amount. Even more disconcerting are recent suggestions that this program should be cut completely, because it does not fit within the mission of the Department of Justice.

I believe that SCAAP is absolutely necessary for all States, particularly those that line our Nation's Southern border. For that reason, Senator FEINSTEIN and I are today introducing the State Criminal Alien Assistance Program Reauthorization Act of 2003. I am grateful for the opportunity to work with Senator FEINSTEIN, Senator KYL, and Congressman KOLBE, who has introduced the companion to this bill in the House of Representatives, to correct this problem. The bill we are introducing today will extend the authorization of SCAAP through 2010 and to authorize increased funding levels to ensure that States are not shortchanged and funding for this important program continues to increase.

At a time when most states are experiencing the worst budge shortfalls since the Great Depression, the Federal Government must stop shirking the cost for what is truly a Federal responsibility. It is time for us to step up to the plate and reimburse states and local communities for the costs of our failure to adequately address illegal immigration.

By Mr. DORGAN (for himself, Mr. LIEBERMAN, Mrs. CLINTON, Mr. KERRY, Mr. JEFFORDS, Mr. CORZINE, Mr. CONRAD, and Mr. AKAKA):

S. 461. A bill to establish a program to promote hydrogen fuel cells, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hydrogen Fuel Cell Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States currently imports approximately 55 percent of the oil it consumes.

(2) At present trends, reliance on foreign oil will increase to 68 percent by 2025.

(3) Nearly all of the cars and trucks run on gasoline, and they are the main reason the United States imports so much oil.

(4) Two-thirds of the 20,000,000 barrels of oil Americans use each day is used for transportation.

(5) Hydrogen fuel cell vehicles offer the best hope of dramatically reducing our dependence on foreign oil, increasing our energy security, and enhancing our environmental protection.

(6) In the spirit of the Apollo project that put a man on the moon, the United States must commit the necessary resources to develop and commercialize hydrogen fuel cell vehicles, in partnership with the private sector.

(7) In developing hydrogen fuel cell vehicles, the United States must also support the development and commercialization of stationary fuel cells to power homes and other buildings, so as to diversify energy sources, better protect the environment, provide assured power, and accelerate implementation of fuel cell technology generally.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to promote the comprehensive development, demonstration, and commercialization of hydrogen-powered fuel cells in partnership with industry;

(2) to increase our Nation's energy independence, and energy and national security in doing so;

(3) to develop a sustainable national energy strategy;

(4) to protect and strengthen the Nation's economy and standard of living;

(5) to reduce the environmental impacts of energy production, distribution, transportation, and use; and

(6) to leverage financial resources through the use of public-private partnerships.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term ''critical technology'' means a technology that, in the opinion of the Secretary, requires understanding and development in order to take the next step needed in the development of hydrogen as an economic fuel or storage medium or in the development of fuel cell technologies as a transportation mode;

(2) the term ''fuel cell vehicle'' means a vehicle that derives all, or a significant part, of its propulsion energy from 1 or more fuel cells; and

(3) the term ''Secretary'' means the Secretary of Energy.

TITLE I—HYDROGEN AND FUEL CELL TECHNOLOGY RESEARCH AND DEVELOPMENT

SEC. 101. DEFINITIONS.

As used in this title—

(1) the term ''advisory committee'' means the advisory committee established under section 105; and

(2) the term ''critical technical issue'' means an issue that, in the opinion of the Secretary, requires understanding and development in order to take the next step needed in the development of hydrogen as an economic fuel or storage medium or in the development of fuel cell technologies as a transportation mode.

SEC. 102. HYDROGEN AND FUEL CELL RESEARCH AND DEVELOPMENT.

(a) PROGRAMS.—

(1) HYDROGEN ENERGY RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall, in consultation with the private sector, conduct a research and development program relating to the production, storage, distribution, and use of hydrogen energy, including fueling infrastructure, with the goal of enabling the private sector to demonstrate and commercialize the use of hydrogen for transportation, industrial, commercial, residential, and utility applications.

(2) FUEL CELL TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall conduct fuel cell technology research and development, with the goal of commercializing fuel cell vehicles and stationary fuel cells. The program shall include advanced materials, interfaces and electronics, lower cost and advanced design, balance of plant, enhanced manufacturing processes, reforming capability, and analysis and integration of systems.

(b) ELEMENTS.—In conducting the programs authorized by this section, the Secretary shall—

(1) initiate or accelerate research and development concerning critical technical issues that will contribute to the development of more economical and environmentally sound fuel cell vehicles and hydrogen energy systems, including critical technical issues with respect to—

(A) production, with consideration of cost-effective and market-efficient production from renewable energy sources;

(B) transmission and distribution;

(C) storage, including storage of hydrogen for surface transportation applications; and

(D) use, including use in—

(i) surface transportation;

(ii) fuel cells and components;

(iii) fueling infrastructure;

(iv) stationary applications; and

(v) isolated villages, islands, and communities in which other energy sources are not available or are very expensive;

(2) give particular attention to resolving critical technical issues preventing the introduction of hydrogen energy and fuel cell vehicles into the marketplace; and

(3) survey private sector hydrogen energy and fuel cell research and development activities worldwide and take steps to ensure that such activities under this section—

(A) enhance rather than unnecessarily duplicate any available research and development; and

(B) complement rather than displace or compete with the privately funded hydrogen energy or fuel cell research and development activities of United States industry.

(c) FEDERAL FUNDING.—The Secretary shall carry out the research and development activities authorized under this section using a competitive merit review process.

(d) COST SHARING.—

(1) IN GENERAL.—The Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of proposed research and development projects under this section.

(2) REDUCTION OR ELIMINATION.—The Secretary may reduce or eliminate the cost sharing requirement under subsection (d)(1)—

(A) if the Secretary determines that the research and development is of a basic or fundamental nature; or

(B) for technical analyses, outreach activities, and educational programs that the Secretary does not expect to result in a marketable product.

SEC. 103. COORDINATION AND CONSULTATION.

(a) SECRETARY'S RESPONSIBILITY.—The Secretary shall have overall management responsibility for carrying out programs under this Act. In carrying out such programs, the Secretary, consistent with such overall management responsibility—

(1) shall establish a central point for the coordination of all hydrogen energy and fuel cell research, development, and demonstration activities of the Department of Energy; and

(2) may use the expertise of any other Federal agency in accordance with subsection (b) in carrying out any activities under this Act, to the extent that the Secretary determines that any such agency has capabilities which would allow such agency to contribute to the purposes of this Act.

(b) ASSISTANCE.—The Secretary may, in accordance with subsection (a), obtain the assistance of any Federal agency upon written request, on a reimbursable basis or otherwise and with the consent of such agency. Each such request shall identify the assistance the Secretary considers necessary to carry out any duty under this Act.

(c) CONSULTATION.—The Secretary shall consult with other Federal agencies as appropriate, and the advisory committee, in carrying out the Secretary's authorities pursuant to this Act.

SEC. 104. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established a Technical Advisory Committee to advise the Secretary on the programs under this Act and under title II of the Hydrogen Future Act of 1996, to remain in existence for the duration of such programs.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory committee shall be comprised of not fewer than 9 nor

more than 15 members appointed by the Secretary, and shall be comprised of such representatives from domestic industry, universities, professional societies, Government laboratories, and financial, environmental, and other organizations as the Secretary considers appropriate based on the Secretary's assessment of the technical and other qualifications of such representatives.

(2) TERMS.—

(A) IN GENERAL.—The term of a member of the advisory committee shall not be more than 3 years.

(B) STAGGERED TERMS.—The Secretary may appoint members of the advisory committee in a manner that allows the terms of the members serving at any time to expire at spaced intervals so as to ensure continuity in the functioning of the advisory committee.

(C) REAPPOINTMENT.—A member of the advisory committee whose term expires may be reappointed.

(3) CHAIRPERSON.—The advisory committee shall have a chairperson, who shall be elected by the members from among their number.

(c) COOPERATION.—The heads of Federal agencies shall cooperate with the advisory committee in carrying out the requirements of this section and shall furnish to the advisory committee such information as the advisory committee considers necessary to carry out this section.

(d) REVIEW.—The advisory committee shall review and make any necessary recommendations to the Secretary on—

(1) the implementation and conduct of programs under this title;

(2) the economic, technological, and environmental consequences of the deployment of technologies under this title; and

(3) means for removing barriers to implementing the technologies and programs under this title.

(e) RESPONSE TO RECOMMENDATIONS.—The Secretary shall consider, but need not adopt, any recommendations of the advisory committee under subsection (d). The Secretary shall either describe the implementation, or provide an explanation of the reasons that any such recommendations will not be implemented, in the report to Congress under section 103(b).

(f) SUPPORT.—The Secretary shall provide such staff, funds, and other support as may be necessary to enable the advisory committee to carry out its functions.

SEC. 105. REPORT TO CONGRESS.

(a) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act and biennially thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the programs authorized under this title.

(2) CONTENTS.—A report under paragraph (1) shall include, in addition to any views and recommendations of the Secretary—

(A) an assessment of the effectiveness of the programs authorized under this Act;

(B) recommendations of the advisory committee for any improvements in the program that are needed, including recommendations for additional legislation; and

(C) to the extent practicable, an analysis of Federal, State, local, and private sector hydrogen- and fuel cell-related research, development, and demonstration activities to identify productive areas for increased intergovernmental and private-public sector collaboration.

SEC. 106. NATIONAL ACADEMY OF SCIENCES REVIEW.

Beginning 2 years after the date of enactment of this Act, and every 4 years thereafter, the National Academy of Sciences shall perform a review of the progress made through the programs and activities authorized under this Act and title II of the Hydrogen Future Act of 1996, and shall report to Congress on the results of such reviews.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS FOR HYDROGEN PRODUCTION, STORAGE, AND TRANSPORT.

There are authorized to be appropriated to carry out hydrogen production, storage, and transport activities under this title (in addition to any amounts made available for such purposes under other Acts)—

(1) $200,000,000 for fiscal year 2004;
(2) $200,000,000 for fiscal year 2005;
(3) $200,000,000 for fiscal year 2006;
(4) $200,000,000 for fiscal year 2007;
(5) $100,000,000 for fiscal year 2008;
(6) $100,000,000 for fiscal year 2009;
(7) $100,000,000 for fiscal year 2010;
(8) $75,000,000 for fiscal year 2011;
(9) $75,000,000 for fiscal year 2012; and
(10) $50,000,000 for fiscal year 2013.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS FOR FUEL CELL TECHNOLOGIES.

There are authorized to be appropriated to the Secretary for fuel cell technology activities under this title—

(1) $200,000,000 for fiscal year 2004;
(2) $250,000,000 for fiscal year 2005;
(3) $250,000,000 for fiscal year 2006;
(4) $200,000,000 for fiscal year 2007;
(5) $100,000,000 for fiscal year 2008;
(6) $100,000,000 for fiscal year 2009;
(7) $100,000,000 for fiscal year 2010;
(8) $75,000,000 for fiscal year 2011;
(9) $75,000,000 for fiscal year 2012; and
(10) $50,000,000 for fiscal year 2013.

TITLE II—DEMONSTRATION PROGRAMS

SEC. 201. FUEL CELL VEHICLE DEMONSTRATION PROGRAM.

(a) PROGRAM.—The Secretary shall establish a cost shared program to purchase, operate, and evaluate fuel cell vehicles in integrated service in Federal, tribal, State, local, or private fleets to demonstrate the viability of fuel cell vehicles in commercial use in a range of climates, duty cycles, and operating environments.

(b) COOPERATIVE AGREEMENTS.—In carrying out the program, the Secretary may enter into cooperative agreements with Federal, tribal, State, local agencies, or private entities and manufacturers of fuel cell vehicles.

(c) COMPONENTS.—The program shall include the following components:

(1) SELECTION OF PILOT FLEET SITES.—

(A) IN GENERAL.—The Secretary shall—

(i) consult with fleet managers to identify potential fleet sites; and

(ii) select 10 or more sites at which to carry out the program.

(B) CRITERIA.—The criteria for selecting fleet sites shall include—

(i) geographic diversity;

(ii) a wide range of climates, duty cycles, and operating environments;

(iii) the interest and capability of the participating agencies or entities;

(iv) the appropriateness of a site for refueling infrastructure and for maintaining the fuel cell vehicles; and

(v) such other criteria as the Secretary determines to be necessary to the success of the program.

(C) FEDERAL SITES.—At least 2 of the projects must be at Federal sites.

(2) FUELING INFRASTRUCTURE.—

(A) IN GENERAL.—The Secretary shall support the installation of the necessary refueling infrastructure at the fleet sites.

(B) CO-PRODUCTION OF HYDROGEN AND ELECTRICITY PILOT PROJECTS.—Priority shall be given to pilot projects that integrate—

(i) both vehicles and stationary electricity production; or

(ii) hydrogen production, storage, and distribution systems with end-use applications.

(3) PURCHASE OF FUEL CELL VEHICLES.—The Secretary, in consultation with the participating agencies, tribal, State, or local agency, academic institution, or private entity, shall purchase fuel cell vehicles for the program by competitive bid.

(4) OPERATION AND MAINTENANCE PERIOD.—The fuel cell vehicles shall be operated and maintained by the participating agencies or entities in regular duty cycles for a period of not less than 12 months.

(5) DATA COLLECTION, ANALYSIS, AND DISSEMINATION.—

(A) AGREEMENTS.—The Secretary shall enter into agreements with participating agencies, academic institutions, or private sector entities providing for the collection of proprietary and nonproprietary information with the program.

(B) PUBLIC AVAILABILITY.—The Secretary shall make available to all interested persons technical nonproprietary information and analyses collected under an agreement under subparagraph (A).

(C) PROPRIETARY INFORMATION.—The Secretary shall not disclose to the public any proprietary information or analyses collected under an agreement under subparagraph (A).

(6) TRAINING AND TECHNICAL SUPPORT.—The Secretary shall provide such training and technical support as fleet managers and fuel cell vehicle operators require to assure the success of the program, including training and technical support in—

(A) the installation, operation, and maintenance of fueling infrastructure;

(B) the operation and maintenance of fuel cell vehicles; and

(C) data collection.

(d) COORDINATION.—The Secretary shall ensure coordination of the program with other Federal fuel cell demonstration programs to improve efficiency, share infrastructure, and avoid duplication of effort.

(e) COST SHARING.—

(1) IN GENERAL.—The Secretary shall require a 50 percent financial commitment from participating private-sector companies or other non-Federal sources for participation in the program.

(2) COMMITMENTS.—The Secretary may require a financial commitment from participating agencies or entities based on the avoided costs for purchase, operation, and maintenance of traditional vehicles and refueling infrastructure.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $40,000,000 for fiscal year 2004;
(2) $100,000,000 for fiscal year 2005;
(3) $115,000,000 for fiscal year 2006;
(4) $115,000,000 for fiscal year 2007;
(5) $95,000,000 for fiscal year 2008;
(6) $30,000,000 for fiscal year 2009; and
(7) $15,000,000 for fiscal year 2010.

SEC. 202. HEAVY DUTY FUEL CELL VEHICLE FLEET DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary, in consultation with other Federal agencies, shall establish a program for entering into cooperative agreements with the private sector to demonstrate fuel cell-powered buses, trucks and other heavy duty vehicles.

(b) COST SHARING.—The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activities; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

(c) REPORTS TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, and not later than October 1, 2009, the Secretary, in consultation with other

Federal agencies, shall transmit to the appropriate congressional committees a report that—

(1) evaluates the process of developing infrastructure to accommodate fuel cell-powered buses, trucks, and heavy duty vehicles; and

(2) assesses the results of the demonstration program under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this demonstration program, to remain available until expended—

(1) $60,000,000 for fiscal year 2004;
(2) $90,000,000 for fiscal year 2005;
(3) $175,000,000 for fiscal year 2006;
(4) $175,000,000 for fiscal year 2007;
(5) $175,000,000 for fiscal year 2008;
(6) $135,000,000 for fiscal year 2009; and
(7) $40,000,000 for fiscal year 2010.

SEC. 203. TRIBAL STATIONARY HYBRID POWER DEMONSTRATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with Tribes, shall develop and transmit to Congress a strategy for a demonstration and commercial application program to develop hybrid distributed power systems on tribal lands that combine—

(1) one renewable electric power generating technology of 2 megawatts or less located near the site of electric energy use; and

(2) fuel cell power generation suitable for use in distributed power systems.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for activities under this section—

(1) $1,000,000 for fiscal year 2005;
(2) $5,000,000 for fiscal year 2006;
(3) $5,000,000 for fiscal year 2007;
(4) $4,000,000 for fiscal year 2008;
(5) $3,000,000 for fiscal year 2009; and
(6) $2,000,000 for fiscal year 2010.

SEC. 204. STATIONARY FUEL CELL GRANT DEMONSTRATION PROGRAM.

(a) SOLICITATION OF PROPOSALS.—The Secretary shall solicit proposals for projects demonstrating hydrogen technologies needed to operate fuel cells in Federal, tribal, State, and local government, and academic, and private stationary applications.

(b) COMPETITIVE EVALUATION.—Each proposal submitted in response to the solicitation under this section shall be evaluated on a competitive basis using peer review. The Secretary is not required to make an award under this section in the absence of a meritorious proposal.

(c) PREFERENCE.—The Secretary shall give preference, in making an award under this section, to proposals that—

(1) are submitted jointly from consortia including academic institutions, industry, State or local governments, and Federal laboratories; and

(2) reflect proven experience and capability with technologies relevant to the projects proposed.

(d) NON-FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section.

(2) REDUCTION.—The Secretary may reduce the non-Federal requirement under paragraph (1) if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $45,000,000 for fiscal year 2004;
(2) $85,000,000 for fiscal year 2005;
(3) $95,000,000 for fiscal year 2006;
(4) $95,000,000 for fiscal year 2007;
(5) $65,000,000 for fiscal year 2008;
(6) $50,000,000 for fiscal year 2009; and
(7) $15,000,000 for fiscal year 2010.

TITLE III—FEDERAL PURCHASE PROGRAM

SEC. 301. PROCUREMENT OF FUEL CELL VEHICLES.

(a) TRANSITION PLAN.—Each agency of the Federal Government that maintains a fleet of motor vehicles shall develop a plan for a transition of the fleet to vehicles powered by fuel cell technology, including plans for necessary fueling infrastructure, training, and maintenance and operation of such vehicles. Each such plan shall include implementation beginning no later than fiscal year 2008. Each plan shall incorporate and build on the results of completed and ongoing Federal demonstration programs, and shall include additional demonstration programs and pilot programs as necessary to test or investigate available technologies and transition procedures.

(b) REQUIREMENT.—The Secretary, in collaboration with the General Services Administration and other Federal agencies, shall purchase and place 20,000 hydrogen-powered fuel cell vehicles by 2010 in Federal fleets and the requisite fueling infrastructure.

(c) EXCEPTIONS.—The head of an executive agency is not required to procure a fuel cell vehicle under subsection (c) if—

(1) no fuel cell vehicle is available that meets the requirements of the executive agency; or

(2) it is not practicable to do so for a particular agency or instance.

(d) PROCUREMENT PLANNING.—The head of an executive agency shall incorporate into the specifications for all designs and procurements, and into the factors for the evaluation of offers received for the procurement, criteria for fuel cell vehicles that are consistent with vehicle purchasing requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2005;
(2) $15,000,000 for fiscal year 2006;
(3) $50,000,000 for fiscal year 2007;
(4) $150,000,000 for fiscal year 2008;
(5) $175,000,000 for fiscal year 2009;
(6) $170,000,000 for fiscal year 2010;
(7) $110,000,000 for fiscal year 2011;
(8) $65,000,000 for fiscal year 2012; and
(9) $55,000,000 for fiscal year 2013.

SEC. 302. FEDERAL STATIONARY FUEL CELL POWER PURCHASE PROGRAM.

(a) PROGRAM.—The Secretary shall establish a program within 1 year after the date of enactment of this Act for the acquisition by Federal agencies of—

(1) up to 200 megawatts of commercially available fuel cell power plants;

(2) up to 200 megawatts of power generated from commercially available fuel cell power plants; or

(3) a combination thereof, by 2006 and annually thereafter for use at federally-owned or -operated facilities, Federal residences, and Federal portable applications. The Secretary shall provide funding for purchase, site engineering, installation, startup, training, operation, and maintenance costs associated with the acquisition of such power or power plants, along with any other necessary assistance.

(b) DOMESTIC ASSEMBLY.—All fuel cell systems in power plants acquired, or from which power is acquired, under subsection (a) shall be assembled in the United States.

(c) SITE SELECTION.—In the selection of federally-owned or -operated facilities as a site for the location of power plants acquired under this section, or as a site to receive power acquired under this section, priority shall be given to sites with 1 or more of the following attributes:

(1) Location (of the Federal facility or the generating power plant) in an area classified as a nonattainment area under title I of the Clean Air Act.

(2) Computer or electronic operations that are sensitive to power supply disruptions.

(3) Need for a reliable, uninterrupted power supply.

(4) Academic institution.

(5) Rural or remote location, or other factors requiring off-grid power generation.

(6) Critical manufacturing or other activities that support national security efforts.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $5,000,000 for fiscal year 2004;
(2) $10,000,000 for fiscal year 2005;
(3) $15,000,000 for fiscal year 2006;
(4) $50,000,000 for fiscal year 2007;
(5) $75,000,000 for fiscal year 2008;
(6) $85,000,000 for fiscal year 2009;
(7) $75,000,000 for fiscal year 2010;
(8) $50,000,000 for fiscal year 2011;
(9) $25,000,000 for fiscal year 2012; and
(10) $10,000,000 for fiscal year 2013.

(e) LIFE CYCLE COST BENEFIT.—Any life cycle cost benefit analysis undertaken by a Federal agency with respect to investments in fuel cell products, services, construction, and other projects shall include an analysis of environmental, power reliability, and oil dependence factors.

SEC. 303. ESTABLISHMENT OF AN INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish an interagency task force led by the Secretary's designee and comprised of representatives of—

(1) the Office of Science and Technology Policy;

(2) the Department of Transportation;

(3) the Department of Defense;

(4) the Department of Commerce (including the National Institute of Standards and Technology);

(5) the Environmental Protection Agency;

(6) the National Aeronautics and Space Administration; and

(7) other Federal agencies as appropriate.

(b) DUTIES.—The task force shall develop a plan for carrying out titles II and III.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the requirements of this section.

TITLE IV—REMOVAL OF REGULATORY BARRIERS

SEC. 401. AMENDMENTS TO PURPA.

(a) ADOPTION OF STANDARDS.—Section 113(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623(b)) is amended by adding at the end the following:

''(6) DISTRIBUTED GENERATION.—Each electric utility shall provide distributed generation, combined heat and power, and district heating and cooling systems competitive access to the local distribution grid and competitive pricing of service, and shall use simplified standard contracts for the interconnection of generating facilities that have a power production capacity of 250 kilowatts or less per unit.

''(7) DISTRIBUTION INTERCONNECTIONS.—No electric utility may refuse to interconnect a generating facility with the distribution facilities of the electric utility if the owner or operator of the generating facility complies with procedures adopted by the State regulatory authority and agrees to pay the costs established by such State regulatory authority.

''(8) MINIMUM FUEL AND TECHNOLOGY DIVERSITY STANDARD.—Each electric utility shall develop a plan to minimize dependence on 1 fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable and high-efficiency technologies.

''(9) PROHIBITED RATES AND CHARGES.—No electric utility shall charge the owner or operator of an on-site generating facility an additional standby, capacity, interconnection, or other rate or charge.''.

(b) TIME FOR ADOPTING STANDARDS.—Section 113 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623) is further amended by adding at the end the following:

''(d) SPECIAL RULE.—For purposes of implementing paragraphs (6), (7), (8), and (9) of subsection (b), any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978, shall be deemed to be a reference to the date of enactment of this subsection.''.

SEC. 402. NET METERING.

(a) ADOPTION OF STANDARD.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(11) NET METERING.—(A) Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves.

''(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978, shall be deemed to be a reference to the date of enactment of this paragraph.

''(C) The Commission shall implement the standards set out in this section not later than 1 year after the date of enactment of this paragraph. Notwithstanding subsections (b) and (c) of section 112, a State may adopt alternative standards or procedures regarding net metering as defined in this section; provided that net metering service, pursuant to standards and procedures adopted by the Commission, shall be available to any electric consumer within any State notwithstanding the adoption by any State of such alternative standards or procedures.

''(D) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than 1 year after the date of enactment of this paragraph.''.

(b) SPECIAL RULES FOR NET METERING.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

''(i) NET METERING.—

''(1) RATES AND CHARGES.—An electric utility—

''(A) shall charge the owner or operator of an on-site generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class to which the owner or operator would be assigned if there were no on-site generating facility; and

''(B) shall not charge the owner or operator of an on-site generating facility any additional standby, capacity, interconnection, or other rate or charge.

''(2) MEASUREMENT.—An electric utility that sells electric energy to the owner or operator of an on-site generating facility shall measure the quantity of electric energy produced by the on-site facility, using a single meter unless the electric utility can establish to the State regulatory authority that a single meter is not technically feasible, and the quantity of electric energy consumed by the owner or operator of an on-site generating facility during a billing period is in accordance with normal metering practices.

''(3) ELECTRIC ENERGY SUPPLIED EXCEEDING ELECTRIC ENERGY GENERATED.—If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the on-site generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

''(4) ELECTRIC ENERGY GENERATED EXCEEDING ELECTRIC ENERGY SUPPLIED.—If the quantity of electric energy supplied by the on-site generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the on-site generating facility during the billing period—

''(A) the electric utility may bill the owner or operator of the on-site generating facility for the appropriate charges for the billing period in accordance with paragraph (2); and

''(B) the owner or operator of the on-site generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

''(5) SAFETY AND PERFORMANCE STANDARDS.—An eligible on-site generating facility and net metering system used by an electric consumer shall be interconnected provided the facility meets all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

''(6) ADDITIONAL CONTROL AND TESTING REQUIREMENTS.—The Commission, after consultation with State regulatory authorities and nonregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for on-site generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

''(7) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'eligible on-site generating facility' means—

''(i) a facility on the site of a residential electric consumer with a maximum generating capacity of 10 kilowatts or less per unit that is fueled by solar energy, wind energy, or fuel cells; or

''(ii) a facility on the site of a commercial electric consumer with a maximum generating capacity of 500 kilowatts or less per unit that is fueled solely by a renewable energy resource, landfill gas, or a high efficiency system;

''(B) the term 'renewable energy resource' means solar, wind, biomass, or geothermal energy;

''(C) the term 'high efficiency system' means fuel cells or combined heat and power; and

''(D) the term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.''.

SEC. 403. DEPARTMENT OF ENERGY STUDY.

The Secretary, in consultation with other Federal agencies, as appropriate, shall identify barriers to the introduction of portable fuel cells, including regulatory barriers, and take appropriate action to eliminate such barriers in a timely fashion.

TITLE V—TAX INCENTIVES FOR HYDROGEN FUEL CELL TECHNOLOGY

SEC. 501. HYDROGEN FUEL CELL MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30B. HYDROGEN FUEL CELL MOTOR VEHICLE CREDIT.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the new qualified hydrogen fuel cell motor vehicle credit determined under subsection (b).

''(b) NEW QUALIFIED HYDROGEN FUEL CELL MOTOR VEHICLE CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the new qualified hydrogen fuel cell motor vehicle credit determined under this subsection with respect to a new qualified hydrogen fuel cell motor vehicle placed in service by the taxpayer during the taxable year is—

''(A) $4,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

''(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

''(C) $20,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

''(2) INCREASE FOR FUEL EFFICIENCY.—

''(A) IN GENERAL.—The amount determined under paragraph (1)(A) with respect to a new qualified hydrogen fuel cell motor vehicle which is a passenger automobile or light truck shall be increased by—

''(i) $1,000, if such vehicle achieves at least 150 percent but less than 175 percent of the 2000 model year city fuel economy,

''(ii) $1,500, if such vehicle achieves at least 175 percent but less than 200 percent of the 2000 model year city fuel economy,

''(iii) $2,000, if such vehicle achieves at least 200 percent but less than 225 percent of the 2000 model year city fuel economy,

''(iv) $2,500, if such vehicle achieves at least 225 percent but less than 250 percent of the 2000 model year city fuel economy,

''(v) $3,000, if such vehicle achieves at least 250 percent but less than 275 percent of the 2000 model year city fuel economy,

''(vi) $3,500, if such vehicle achieves at least 275 percent but less than 300 percent of the 2000 model year city fuel economy, and

''(vii) $4,000, if such vehicle achieves at least 300 percent of the 2000 model year city fuel economy.

''(B) 2000 MODEL YEAR CITY FUEL ECONOMY.—For purposes of subparagraph (A), the 2000 model year city fuel economy with respect to a vehicle shall be determined in accordance with the following tables:

''(i) In the case of a passenger automobile:

''If vehicle inertia weight class is:	**The 2000 model year city fuel economy is:**
1,500 or 1,750 lbs	43.7 mpg
2,000 lbs	38.3 mpg
2,250 lbs	34.1 mpg
2,500 lbs	30.7 mpg
2,750 lbs	27.9 mpg
3,000 lbs	25.6 mpg
3,500 lbs	22.0 mpg

"If vehicle inertia weight class is:	The 2000 model year city fuel economy is:
4,000 lbs	19.3 mpg
4,500 lbs	17.2 mpg
5,000 lbs	15.5 mpg
5,500 lbs	14.1 mpg
6,000 lbs	12.9 mpg
6,500 lbs	11.9 mpg
7,000 to 8,500 lbs	11.1 mpg.

''(ii) In the case of a light truck:

"If vehicle inertia weight class is:	The 2000 model year city fuel economy is:
1,500 or 1,750 lbs	37.6 mpg
2,000 lbs	33.7 mpg
2,250 lbs	30.6 mpg
2,500 lbs	28.0 mpg
2,750 lbs	25.9 mpg
3,000 lbs	24.1 mpg
3,500 lbs	21.3 mpg
4,000 lbs	19.0 mpg
4,500 lbs	17.3 mpg
5,000 lbs	15.8 mpg
5,500 lbs	14.6 mpg
6,000 lbs	13.6 mpg
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.0 mpg.

''(C) VEHICLE INERTIA WEIGHT CLASS.—For purposes of subparagraph (B), the term 'vehicle inertia weight class' has the same meaning as when defined in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) NEW QUALIFIED HYDROGEN FUEL CELL MOTOR VEHICLE.—For purposes of this subsection, the term 'new qualified hydrogen fuel cell motor vehicle' means a motor vehicle—

''(A) which is propelled by power derived from one or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle in any form and may or may not require reformation prior to use,

''(B) which, in the case of a passenger automobile or light truck—

''(i) for 2003 model vehicles, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

''(ii) for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

''(C) the original use of which commences with the taxpayer,

''(D) which is acquired for use or lease by the taxpayer and not for resale, and

''(E) which is made by a manufacturer.

''(c) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

''(2) the tentative minimum tax for the taxable year.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(2) CITY FUEL ECONOMY.—The city fuel economy with respect to any vehicle shall be measured in a manner which is substantially similar to the manner city fuel economy is measured in accordance with procedures under part 600 of subchapter Q of chapter I of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section.

''(3) OTHER TERMS.—The terms 'automobile', 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed (determined without regard to subsection (c)).

''(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter with respect to a new qualified hydrogen fuel cell motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(6) PROPERTY USED BY TAX-EXEMPT ENTITIES.—In the case of a credit amount which is allowable with respect to a new qualified hydrogen fuel cell motor vehicle which is acquired by an entity exempt from tax under this chapter, the person which sells or leases such vehicle to the entity shall be treated as the taxpayer with respect to the vehicle for purposes of this section and the credit shall be allowed to such person, but only if the person clearly discloses to the entity at the time of any sale or lease the specific amount of any credit otherwise allowable to the entity under this section.

''(7) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

''(8) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

''(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(10) CARRYBACK AND CARRYFORWARD ALLOWED.—

''(A) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (c) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be allowed as a credit carryback for each of the 3 taxable years beginning after the date of the enactment of this section which precede the unused credit year and a credit carryforward for each of the 20 taxable years which succeed the unused credit year.

''(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

''(11) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(e) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting '', and'', and by adding at the end the following new paragraph:

''(29) to the extent provided in section 30B(d)(4).''.

(2) Section 55(c)(2) of such Code is amended by inserting ''30B(c),'' after ''30(b)(3)''.

(3) Section 6501(m) of such Code is amended by inserting ''30B(d)(9),'' after ''30(d)(4),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30A the following new item:

''Sec. 30B. Hydrogen fuel cell motor vehicle credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 502. CREDIT FOR INSTALLATION OF HYDROGEN FUEL CELL MOTOR VEHICLE FUELING STATIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30C. HYDROGEN FUEL CELL MOTOR VEHICLE REFUELING PROPERTY CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount paid or incurred by the taxpayer during the taxable year for the installation of qualified hydrogen fuel cell motor vehicle refueling property.

''(b) LIMITATION.—The credit allowed under subsection (a)—

''(1) with respect to any retail hydrogen fuel cell motor vehicle refueling property, shall not exceed $30,000, and

''(2) with respect to any residential hydrogen fuel cell motor vehicle refueling property, shall not exceed $1,500.

''(c) YEAR CREDIT ALLOWED.—The credit allowed under subsection (a) shall be allowed in the taxable year in which the qualified hydrogen fuel cell motor vehicle refueling property is placed in service by the taxpayer.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED HYDROGEN FUEL CELL MOTOR VEHICLE REFUELING PROPERTY.—The term 'qualified hydrogen fuel cell motor vehicle refueling property' means any property (not including a building and its structural components) if—

''(A) such property is of a character subject to the allowance for depreciation,

''(B) the original use of such property begins with the taxpayer, and

''(C) such property is for the storage or dispensing of hydrogen fuel into the fuel tank of a motor vehicle propelled by such fuel, but only if the storage or dispensing of the fuel is at the point where such fuel is delivered into the fuel tank of the motor vehicle.

In the case of hydrogen produced from another clean-burning fuel (as defined in section 179A(c)(1)), subparagraph (C) shall be applied by substituting 'production, storage, or dispensing' for 'storage or dispensing' both places it appears.

''(2) RESIDENTIAL HYDROGEN FUEL CELL MOTOR VEHICLE REFUELING PROPERTY.—The term 'residential hydrogen fuel cell motor vehicle refueling property' means qualified hydrogen fuel cell motor vehicle refueling property which is installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer.

''(3) RETAIL HYDROGEN FUEL CELL MOTOR VEHICLE REFUELING PROPERTY.—The term 'retail hydrogen fuel cell motor vehicle refueling property' means qualified hydrogen fuel cell motor vehicle refueling property which is installed on property (other than property described in paragraph (2)) used in a trade or business of the taxpayer.

''(e) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, 30, and 30B, over

''(2) the tentative minimum tax for the taxable year.

''(f) BASIS REDUCTION.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

''(g) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 179A with respect to any property with respect to which a credit is allowed under subsection (a).

''(h) REFUELING PROPERTY INSTALLED FOR TAX-EXEMPT ENTITIES.—In the case of qualified hydrogen fuel cell motor vehicle refueling property installed on property owned or used by an entity exempt from tax under this chapter, the person which installs such refueling property for the entity shall be treated as the taxpayer with respect to the refueling property for purposes of this section (and such refueling property shall be treated as retail hydrogen fuel cell motor vehicle refueling property) and the credit shall be allowed to such person, but only if the person clearly discloses to the entity in any installation contract the specific amount of the credit allowable under this section.

''(i) CARRYFORWARD ALLOWED.—

''(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e) for such taxable year (referred to as the 'unused credit year' in this subsection), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

''(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).

''(j) SPECIAL RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 179A(e) shall apply.

''(k) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.''.

(b) INCENTIVE FOR PRODUCTION OF HYDROGEN AT QUALIFIED CLEAN-FUEL VEHICLE REFUELING PROPERTY.—Section 179A(d) of the Internal Revenue Code of 1986 (defining qualified clean-fuel vehicle refueling property) is amended by adding at the end the following new flush sentence:

''In the case of clean-burning fuel which is hydrogen produced from another clean-burning fuel, paragraph (3)(A) shall be applied by substituting 'production, storage, or dispensing' for 'storage or dispensing' both places it appears.''.

(c) MODIFICATIONS TO EXTENSION OF DEDUCTION FOR HYDROGEN REFUELING PROPERTY.—

(1) IN GENERAL.—Section 179A(f) of the Internal Revenue Code of 1986 (relating to termination) is amended by inserting ''(other than property relating to hydrogen)'' after ''property''.

(2) NONAPPLICATION OF PHASEOUT.—Section 179A(b)(1)(B) of such Code (relating to phaseout) is amended by inserting ''(other than property relating to hydrogen)'' after ''property''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking ''and'' at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting '', and'', and by adding at the end the following new paragraph:

''(30) to the extent provided in section 30C(f).''.

(2) Section 55(c)(2) of such Code, as amended by this Act, is amended by inserting ''30C(e),'' after ''30B(e)''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code, as amended by this Act, is amended by inserting after the item relating to section 30B the following new item:

''Sec. 30C. Hydrogen fuel cell motor vehicle refueling property credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 503. CREDIT FOR RESIDENTIAL FUEL CELL PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. RESIDENTIAL FUEL CELL PROPERTY.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the qualified fuel cell property expenditures made by the taxpayer during such year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) shall not exceed $1,000 for each kilowatt of capacity.

''(2) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless such property meets appropriate fire and electric code requirements.

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED FUEL CELL PROPERTY EXPENDITURE.—The term 'qualified fuel cell property expenditure' means an expenditure for qualified fuel cell property (as defined in section 48(a)(4)) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, including all necessary installation fees and charges.

''(2) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of such property and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

''(e) SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

''(A) The amount of the credit allowable, under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable, with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made the individual's proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account.

''(5) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

''(6) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48(a)(5)(C)).

''(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''.

(b) CREDIT ALLOWED AGAINST REGULAR TAX AND ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 25C(b) of the Internal Revenue Code of 1986, as added by subsection (a), is amended by adding at the end the following new paragraph:

''(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 25C(c) of such Code, as added by subsection (a), is amended by striking ''section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section)'' and inserting ''subsection (b)(3)''.

(B) Section 23(b)(4)(B) of such Code is amended by inserting ''and section 25C'' after ''this section''.

(C) Section 24(b)(3)(B) of such Code is amended by striking ''23 and 25B'' and inserting ''23, 25B, and 25C''.

(D) Section 25(e)(1)(C) of such Code is amended by inserting ''25C,'' after ''25B,''.

(E) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25C''.

(F) Section 26(a)(1) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25C''.

(G) Section 904(h) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25C''.

(H) Section 1400C(d) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25C''.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 23(c) of the Internal Revenue Code of 1986, as in effect for taxable years beginning before January 1, 2004, is amended by striking ''section 1400C'' and inserting ''sections 25C and 1400C''.

(2) Section 25(e)(1)(C) of such Code, as in effect for taxable years beginning before January 1, 2004, is amended by inserting '', 25C,'' after ''sections 23''.

(3) Subsection (a) of section 1016 of such Code, as amended by this Act, is amended by striking ''and'' at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting '', and'', and by adding at the end the following new paragraph:

''(31) to the extent provided in section 25C(f), in the case of amounts with respect to which a credit has been allowed under section 25C.''.

(4) Section 1400C(d) of such Code, as in effect for taxable years beginning before January 1, 2004, is amended by inserting ''and section 25C'' after ''this section''.

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Residential fuel cell property.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to expenditures after the date of the enactment of this Act, in taxable years ending after such date.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2003.

SEC. 504. CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 (defining energy property) is amended by striking ''or'' at the end of clause (i), by adding ''or'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) qualified fuel cell property,''.

(b) QUALIFIED FUEL CELL PROPERTY.—Subsection (a) of section 48 is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) QUALIFIED FUEL CELL PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified fuel cell property' means a fuel cell power plant that—

''(i) generates electricity using an electrochemical process, and

''(ii) has an electricity-only generation efficiency greater than 30 percent at rated power.

''(B) LIMITATION.—In the case of qualified fuel cell property placed in service during the taxable year, the credit determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal to the lesser of—

''(i) 30 percent of the basis of such property, including all necessary installation fees and charges, or

''(ii) $1,000 for each kilowatt of capacity of such property.

''(C) SPECIAL RULES.—For purposes of subparagraph (A)(ii)—

''(i) ELECTRICITY-ONLY GENERATION EFFICIENCY.—The electricity-only generation efficiency percentage of a fuel cell power plant is the fraction—

''(I) the numerator of which is the total useful electrical power produced by such plant at normal operating rates, and expected to be consumed in its normal application, and

''(II) the denominator of which is the lower heating value of the fuel source for such plant.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The electricity-only generation efficiency percentage shall be determined on a Btu basis.

''(D) FUEL CELL POWER PLANT.—The term 'fuel cell power plant' means an integrated system comprised of a fuel cell stack assembly and associated balance of plant components that converts a fuel into electricity using electrochemical means.''.

(c) LIMITATION.—Section 48(a)(2)(A) of the Internal Revenue Code of 1986 (relating to energy percentage) is amended to read as follows:

''(A) IN GENERAL.—The energy percentage is—

''(i) in the case of qualified fuel cell property, 30 percent, and

''(ii) in the case of any other energy property, 10 percent.''.

(d) CONFORMING AMENDMENT.—Section 29(b)(3)(A)(i)(III) of the Internal Revenue Code of 1986 is amended by striking ''section 48(a)(4)(C)'' and inserting ''section 48(a)(5)(C)''.

(e) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

TITLE VI—EDUCATION AND OUTREACH

SEC. 601. EDUCATION AND OUTREACH.

(a) REQUIREMENTS.—The Secretary shall work with other Federal, State, and local agencies, and academic institutions and organizations to develop a public outreach and awareness program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this title $7,000,000 for fiscal year 2004 and each fiscal year thereafter through fiscal year 2013.

TITLE VII—TARGETS AND TIMETABLES

SEC. 701. DEPARTMENT OF ENERGY STRATEGY.

(a) CRITICAL TECHNOLOGY PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish and transmit to Congress a plan identifying critical technologies, enabling strategies and applications, technical targets, and associated timeframes that support the commercialization of hydrogen-fueled fuel cell vehicles.

(b) CONTENTS.—The plan shall describe the activities of the Department of Energy, including a research, development, demonstration, and commercial application program for developing technologies to support—

(1) the production and deployment of 100,000 hydrogen-fueled fuel cell vehicles in the United States by 2010 and 2,500,000 of such vehicles by 2020 and annually thereafter; and

(2) the integration of hydrogen activities, with associated technical targets and timetables for the development of technologies to provide for the sale of hydrogen at fueling stations in the United States by 2010 and 2020, respectively.

(c) PROGRESS REVIEW.—The Secretary shall include in each annual budget submission a review of the progress toward meeting the numerical targets in subsection (b).

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 462. A bill to establish procedures for the acknowledgment of Indian tribes; to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 463. A bill to provide grants to ensure full and fair participation in certain decisionmaking processes of the Bureau of Indian Affairs; to the Committee on Indian Affairs.

Mr. DODD. Mr. President, I rise with our colleague Senator LIEBERMAN today to reintroduce two pieces of legislation intended to improve the process by which the Federal Government

acknowledges the sovereign rights of American Indians and their tribal governments. The first bill is called the Tribal Recognition and Indian Bureau Enhancement Act, or the TRIBE Act. The second bill I am introducing is a bill to provide assistance grants to financially needy tribal groups and municipalities so that those groups and towns can more fully and fairly participate in certain decision-making processes at the Bureau of Indian Affairs.

I offer these bills with a renewed sense of hope, knowing that they will contribute to the larger national conversation about how the Federal Government can best fulfill its obligations to America's native peoples. Senator CAMPBELL and Senator INOUYE have provided invaluable leadership on this issue. The bills I am reintroducing were the subject of a hearing before the Indian Affairs Committee last fall. While neither bill was reported out of Committee before the end of the last Congress, I hope that the Indian Affairs Committee will continue its work on these and related bills—including Senator CAMPBELL's recently introduced tribal recognition bill—and will see fit to address the problems that currently plague the recognition process.

Currently, there are some 200 petitions pending at the Bureau of Indian Affairs by groups from throughout our Nation seeking Federal recognition as Indian tribes. Nine of these are in the State of Connecticut. These are in addition to the two tribes already recognized in our State: the Mashantucket Pequot tribe and the Mohegan Tribal Nation.

I want to emphasize that as a State, Connecticut has embraced its two established and federally recognized tribes—the Mashantucket Pequot tribe and the Mohegan Tribe. They have generated thousands of jobs for Connecticut residents—primarily in the gaming industry. In fact, Foxwoods Casino, owned by the Mashantucket Pequot Tribe, is the largest gambling casino in the world. Both tribes have delivered hundreds of millions of dollars into the treasuries of our State and towns dollars that have been used to help meet needs in housing, health care, education, and transportation for people throughout the State.

Like any large enterprise, these casinos have placed significant demands on the roadways, water systems, and police and fire departments. By some estimates, an average of 20,000 to 40,000 people visit these two casinos every day, seven days a week, 365 days a year.

Clearly, Federal recognition is an important legal status that can profoundly change both Indian and non-Indian communities. Our experience in Connecticut has taught us that Federal recognition is too important to be treated lightly.

I would not be back before the Senate to address this issue if I did not believe that there are serious defects in the process for tribal recognition. This is a significant issue for Connecticut, but it is also a matter of concern for the entire country. The tribal recognition process is broken. And the process is harming communities and tribes across the country.

The problems with the current recognition process have been well documented and I do not intend to restate all that has been said and written about the subject in recent years. Suffice it to say that it is widely recognized that the process is failing both tribal groups and other interested parties. The General Accounting Office, in a highly-critical study released in November 2001, summarized the problem when it concluded that ''because of weaknesses in the recognition process, the basis for BIA's tribal recognition decisions is not always clear and the length of time involved can be substantial.''

Senator CAMPBELL, Chairman of the Indian Affairs Committee, has eloquently pointed out the irony that descendants of native peoples who have lived in North America for thousands of years are the only Americans that must be ''documented'' to prove their status. How much more bitter that irony has become now that a process established to be fair and considerate toward native peoples is, in many ways, working against them. Let me share with our colleagues some compelling facts, which I have referenced here on the floor of the Senate before.

Decisions on tribal petitions do not take months to make. They typically take years—and sometimes decades, thanks to understaffing and the demands of complying with FOIA requests and litigation. At its current pace, it will take well over 100 years for BIA to clear just its existing backlog of tribal recognition petitions. Can you imagine any group of Americans having to wait years or decades to have their legal rights vindicated? We would not and do not tolerate those kinds of delays in other areas of federal administrative law. Yet they are commonplace with respect to groups seeking Federal tribal status.

Tribes, towns, and other interested parties have often had their evidentiary submissions ignored. During consideration of two recent petitions, the BIA decided it would no longer accept evidence submitted on the petitions—but the agency failed to tell interested parties for eleven months. In the meantime, neighboring parties and other interested parties had spent large sums of time and money to submit voluminous additional evidence bearing on whether or not the petitions should have been granted.

In some cases, the seven mandatory criteria for recognition have been selectively ignored by BIA. In the case of the Eastern Pequot and Paucatuck Eastern Pequot petitions, two of the seven criteria for recognition were waived by the then-Assistant Secretary for Indian Affairs. According to published reports, he effectively ignored the recommendations of the historians and genealogists on his staff who had found that those criteria had not been met. In another case, there was a 70-year period during which a petitioner could produce no evidence that it continuously existed as a distinct community exhibiting political authority. The BIA's technical staff concluded that a 70-year gap was too long to support a finding of continuous existence. Despite the lack of evidence, the Assistant Secretary decided that continuous existence could be presumed, and so he went on to deem this criterion to be met and to recognize the tribe.

Again, the bottom line is that the recognition process is broken. Last year, one of our colleagues—a longtime champion for American Indian causes—called the current recognition process a ''scandal.'' I agree and I think it's bad public policy to allow Federal agencies to continue to make decisions when their decision-making procedures are so flawed.

The current process is arcane, burdensome, time consuming, difficult to understand, and too easily manipulated for political purposes. The evidence is overwhelming that the rules of recognition are being applied strictly for some and bent or ignored altogether for others. That's wrong. That's unfair. The Chairwoman of the Duwamish Tribe of Washington State has said she and her people ''have known and felt the effects of 20 years of administrative inaccuracies, delays and the blasé approach in . . . handling and . . . processing the Duwamish petitions.'' Because the process is so complicated and so different from other, more familiar, administrative procedures, it is hard for people to have confidence in the BIA's decisions—especially when the BIA appears to be applying the rules differently in different cases.

The reforms proposed by the TRIBE Act are modest. The TRIBE Act will permit any Indian group in the continental United States that desires to be acknowledged as an Indian Tribe to file a petition with the BIA. If the group can satisfy the mandatory criteria for federal acknowledgment, then the group would be recognized.

The legislation simply requires better notice to Indians and non-Indian groups. It provides for better fact-finding and it requires the Secretary to publish a complete explanation of final decisions regarding documented petitions. The bill improves the recognition process in the following specific ways: first, it would authorize $10 million per year to better enable the Bureau of Indian Affairs to consider petitions in a thorough, fair, and timely manner. Second, it would provide for improved notice of a petition to key persons who may have an interest in a petition, including: the governor and attorney general of the state where a tribe seeks recognition; other tribes; and elected leaders of towns in the vicinity of a tribe seeking recognition, third, it would require that a petitioner meets each of the seven mandatory criteria for federal recognition

spelled out in the current Code of Federal Regulations, and fourth, it would require that a decision on a petition be published in the Federal Register, which would include a detailed explanation of the findings of fact and of law with respect to each of the seven mandatory criteria for recognition.

I want to emphasize what this legislation would not do. It would not revoke or in any way alter the status of tribes whose petitions for federal recognition have already been granted. It would not restrict in any way the existing prerogatives and privileges of such tribes. Tribes will retain their right to self-determination consistent with their sovereign status. Finally, and perhaps most importantly, the TRIBE Act will not dictate outcomes or micro-manage the agency.

As I have often said, I believe that every tribal Government that is entitled to recognition should be recognized and should be recognized in an appropriately speedy process. But I also think we have to make sure that the BIA's conclusions are accurate so there won't be endless questions and disputes over the Bureau's decisions. Every recognition decision carries with it a legal significance that should endure forever. Each recognition decision made by the BIA is a foundation upon which relationships between tribes and States, tribes and towns, Indians and non-Indians will be built for generations to come. We need to make sure that the foundation upon which these lasting decisions are built is sound and will withstand the test of time. We as a Nation cannot afford to build relationships between sovereigns on the shifting sands of a broken bureaucratic procedure.

Let me close with a word about the second bill I am introducing. This bill will provide grants to allow poor tribes and municipalities an opportunity to effectively participate in important decision-making processes. When the Federal Government, through the Bureau of Indian Affairs, makes decisions that will change communities, it is only right that the government should provide a meaningful opportunity for those communities, whether tribal or non-tribal, to be heard.

As we consider how best to reform the process for tribal recognition, we ought to be guided by the firm principles embedded in the bills I am offering here today: fairness, openness, respect, and a common interest in bettering the quality of life for all Americans. I look forward to discussing these and other ideas with Chairman CAMPBELL, Senator INOUYE, and my colleagues here in the Senate, tribal leaders, and others who believe the time for reform has come.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the ''Tribal Recognition and Indian Bureau Enhancement Act.'' I am proud to join the senior Senator from Connecticut in reintroducing this legislation.

Senator DODD and I are interested in making the tribal recognition process a more fair and open process. I am aware of another bill introduced last month by Chairman CAMPBELL that also seeks to reform the Bureau of Indian Affairs' recognition process. While I am concerned with several aspects of the Senator's bill, I am nonetheless gratified to see that my colleagues on both sides of the aisle recognize that the current BIA process is fraught with problems.

I know that both Chairman CAMPBELL and Vice Chairman INOUYE want to reform the broken tribal recognition process at the BIA. I look forward to working together with both Chairman CAMPBELL and Vice Chairman INOUYE to craft and pass legislation to fix a process that Vice chairman INOUYE last year called a ''scandal.''

I would first like to reiterate my support for the recognition of our historic Indian tribes. Unfortunately, this important recognition process is not operating as it should—in particular, the decisions are murky on the criteria for recognition when, and how, they may be satisfied—and those shortcomings are undermining the legitimacy of the entire process.

The lack of public confidence in the tribal recognition process is of grave concern to me. In my home State of Connecticut, public interest in the recognition process has increased because of the ability of recognized tribes to open large casinos. Senator DODD and I introduced both of these bills in the 107th Congress in an effort to reinvigorate the process and redeem the BIA program for future generations. Our bill will codify existing recognition criteria and require the BIA to provide notice of pending petitions to various interested groups—something that will benefit both the tribes and the communities that surround them. The companion bill Senator DODD and I have introduced today will and provide the resources that stakeholders of limited means require to meaningfully participate in the process. As a whole, our two pieces of legislation move towards a stronger recognition system in which all interested persons are able to participate, and participate meaningfully.

In particular, the ''Tribal Recognition and Indian Bureau Enhancement Act'' is intended to ensure that recognition criteria are satisfied and all affected parties, including affected towns, have a change to fairly participate in the decision process. It ensures that: affected parties be given proper notice; that relevant evidence from petitioners and interested parties, including neighboring town, is properly considered; that a formal hearing may be requested, with an opportunity for witnesses to be called and with other due process procedures in place; that a transcript of the hearing is kept; that the evidence is sufficient to show that the petitioner meets the seven mandatory criteria in federal regulations; and that a complete and detailed explanation of the final decision and findings of fact are published in the Federal Register.

Having created these new procedures, our second bill is intended to ensure that all stakeholders are able to participate in them. It would provide grants to local governments and needy tribes to allow them to hire genealogists, lawyers, and other professionals necessary to participate in proceedings. Grants would be available to assist eligible parties in BIA proceedings regarding the recognition of a tribe as well as proceedings regarding whether to place land into trust for a tribe. We view these bills as working in tandem: we can't make the recognition process stronger and more transparent without giving participants the appropriate professional resources. Together, these bills insist on systemic reform while investing in ore legitimate results.

I want to stress that these bills do nothing to affect already recognized federal tribes or hinder their economic development plans. Nor do they change existing Federal tribal recognition laws. It is still my hope that tribes could support these reforms, so as to buttress the legitimacy of their recognition rulings.

I again want to express my commitment to working with members from both sides of the aisle to craft a more fair and effective tribal recognition process for the BIA. The tribal recognition process is an important issue not only for Connecticut, but for many States throughout this great Nation of ours. The process, unfortunately, is broken, and we should come together to fix it for the benefit of all involved. I look forward to working with Senators DODD, Chairman CAMPBELL, and Vice Chairman INOUYE on legislation to create a better recognition process.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 66—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS MARCH 1, 2003, THROUGH SEPTEMBER 30, 2003, OCTOBER 1, 2003, THROUGH SEPTEMBER 30, 2004, AND OCTOBER 1, 2004, THROUGH FEBRUARY 28, 2005.

Mr. LOTT (for himself and Mr. DODD) submitted the following resolution; which was submitted and read:

S. RES. 66

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2003, through September 30, 2003, in the aggregate of $48,264,374, for the period October 1, 2003, through September 30, 2004, in the aggregate of $84,961,067, and for the period October 1, 2004, through February 28, 2005, in the aggregate of $36,221,156, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select